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THE WASHINGTON METRO SYSTEM: SAFETY, SERVICE, AND STABILITY

HEARING

BEFORE THE

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

APRIL 21, 2010

Serial No. 111–105

Printed for the use of the Committee on Oversight and Government Reform

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CONTENTS

	Page
Hearing held on April 21, 2010	1
Statement of:	
Rogoff, Peter, Administrator, U.S. Federal Transit Administration	16
Sarles, Richard, Metro interim general manager, WMATA; Peter Benjamin, chairman Metro Board of Directors, WMATA; Matt Bassett, chair, Tri-State Oversight Committee; Jackie Jeter, president, Amalgamated Transit Union Local 689; and David Alpert, vice-chair, Metro Rider Advisory Counsel	54
Alpert, David	103
Bassett, Matt	91
Benjamin, Peter	78
Jeter, Jackie	97
Sarles, Richard	54
Letters, statements, etc., submitted for the record by:	
Alpert, David, vice-chair, Metro Rider Advisory Counsel, prepared statement of	105
Bassett, Matt, chair, Tri-State Oversight Committee, prepared statement of	93
Benjamin, Peter, chairman Metro Board of Directors, WMATA, prepared statement of	81
Connolly, Hon. Gerald E., a Representative in Congress from the State of Virginia, prepared statement of	134
Issa, Hon. Darrell E., a Representative in Congress from the State of California, prepared statement of	9
Jeter, Jackie, president, Amalgamated Transit Union Local 689, prepared statement of	99
Mica, Hon. John L., a Representative in Congress from the State of Florida, minority staff analysis	35
Quigley, Hon. Mike, a Representative in Congress from the State of Illinois, prepared statement of	133
Rogoff, Peter, Administrator, U.S. Federal Transit Administration, prepared statement of	18
Sarles, Richard, Metro interim general manager, WMATA, prepared statement of	57
Towns, Chairman Edolphus, a Representative in Congress from the State of New York, prepared statement of	3

THE WASHINGTON METRO SYSTEM: SAFETY, SERVICE, AND STABILITY

WEDNESDAY, APRIL 21, 2010

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC.

The committee met, pursuant to notice, at 10:07 a.m. in room 2154, Rayburn House Office Building, Hon. Edolphus Towns (chairman of the committee) presiding.

Present: Representatives Towns, Maloney, Cummings, Kucinich, Clay, Watson, Lynch, Connolly, Norton, Van Hollen, Cuellar, Issa, Mica, and Bilbray.

Staff present: John Arlington, chief counsel—investigations; Kwane Drabo, investigator; Brian Eiler, investigative counsel; Aaron Ellias, staff assistant; Adam Hodge, deputy press secretary; Carla Hultberg, chief clerk; Marc Johnson and Ophelia Rivas, assistant clerks; Chris Knauer, senior investigator/professional staff member; Phyllis Love, Ryshelle McCadney, and Christopher Sanders, professional staff members; Jenny Rosenberg, director of communications; Leneal Scott, IT specialist; Mark Stephenson, senior policy advisor; Ron Stroman, staff director; Lawrence Brady, minority staff director; Frederick Hill, minority director of communications; Adam Fromm, minority chief clerk and Member liaison; Kurt Bardella, minority press secretary; Stephanie Genco, minority press secretary and communication liaison; Howard Denis, minority senior counsel; and Mitchell Kominsky and Jonathan Skladany, minority counsels.

Chairman TOWNS. The committee will come to order.

Good morning, and thank you for being here.

The Washington Metropolitan Area Transit Authority operates the second-largest rail transit system in the country, second only to New York's subway system. It also runs the fifth largest bus system. For a long time now, it has been a clean, reliable, and safe system, but there are indications that the system is deteriorating.

On June 22, 2009, a Metro rail train slammed into another train near Fort Totten Station. Nine people were killed and 80 were injured. It was the worst accident in Metro's history. In January of this year two maintenance workers were killed as they worked on the tracks. In total, 15 people have lost their lives on the Metro rail system over the past year. Something clearly is wrong.

Earlier this year, Senator Mikulski asked the Federal Transit Administration to audit its safety system. The Tri-State Oversight Committee [TOC], the FTA found serious shortcomings in the safety culture. To me, the most surprising thing was this: even though

the TOC has the responsibility to oversee safety on the Metro system, the TOC has no full-time staff. It has no inspectors, no auditors. It has no enforcement power.

The FTA has no enforcement power over Metro, either. In other words, the Metro rail is pretty much on the honor system when it comes to safety. That is why it is extremely important for Metro to have top-notch management.

I think the safety problems we are seeing now at Metro are symptomatic of a larger problem, particularly on the rail system. Years of deferred maintenance and management problems are taking their toll.

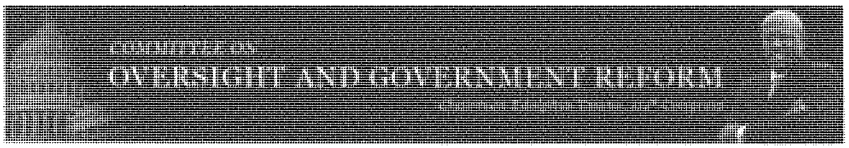
In February, some board members asked a well-respected former Metro general manager, David Gunn, to conduct a review of the entire Metro operation. Mr. Gunn spent 2 weeks performing a broad review of the rail and bus system. He spoke to managers and line employees and rode the entire rail system. Unfortunately, Mr. Gunn is retired and living in Canada and couldn't be here today, but we were able to obtain a copy of the presentation he made to a closed-door meeting of the board of directors last month.

Mr. Gunn told the board that the bus system is in pretty good shape, but the rail system is in serious decline. According to Mr. Gunn, Metro rail has major organization and managerial problems. For example, he found that there was so much bad blood between the maintenance and the engineering departments that they literally would not even speak to each other. That does not improve the safety conditions.

Deferred maintenance has reached a crisis stage. Gunn said that in the 2-weeks he rode the rail system there were two derailments, one of which he witnessed. He also found a broken rail on the main line. In addition, seven station platforms, which are made of reinforced concrete, were being shored up by wood.

Mr. Gunn concluded and he told the board that Metro rail has downhill momentum which will be difficult to stop.

[The prepared statement of Chairman Edolphus Towns follows:]



Opening Statement
of
Chairman Edolphus Towns

Committee on Oversight and Government Reform

"The Washington Metro System: Safety, Service, and Stability"

April 21, 2010

Good morning and thank you all for being here.

The Washington Metropolitan Transit Authority ("WMATA") operates the second largest rail transit system in the country, second only to the New York subway system. WMATA also runs the fifth largest bus system.

For a long time now, it has been a clean, reliable, and safe system. But there are indications that the system is deteriorating.

On June 22, 2009, a Metrorail train slammed into another train near the Fort Totten station. Nine people were killed and 80 were injured. It was the worst accident in Metro's history.

In January of this year, two maintenance workers were killed as they worked on the tracks. In total, 15 people have lost their lives on the Metrorail system over the past year.

Something clearly is wrong.

Earlier this year, Senator Mikulski asked the Federal Transit Administration to audit WMATA and its safety regulator, the Tri-State Oversight Committee, known as the "TOC." The FTA found serious shortcomings in the safety culture at WMATA.

To me, the most surprising thing was this: Even though the TOC has the responsibility to oversee safety on the Metro system, the TOC has no full time staff. It has no inspectors, and no auditors. Moreover, it has no enforcement power.

The FTA has no enforcement power over Metro, either.

In other words, Metrorail is pretty much on the honor system when it comes to safety.

That's why it is extremely important for Metro to have top-notch management. I think the safety problems we are seeing now at Metro are symptomatic of a larger problem, particularly on the rail system: years of deferred maintenance and management problems are taking their toll.

In February, some WMATA Board Members asked a well respected former Metro General Manager, David Gunn, to conduct a review of the entire Metro operation.

Mr. Gunn spent two weeks performing a broad review of the rail and bus system. He spoke to managers and line employees, and rode the entire rail system.

Unfortunately, Mr. Gunn is retired and living in Canada and couldn't be here today, but we were able to obtain a copy of the presentation he made to a closed-door meeting of the Board of Directors last month.

Gunn told the Board that the bus system is in pretty good shape. But the rail system is in serious decline.

According to Gunn, Metrorail has major organizational and managerial problems. For example, he found that there was so much bad blood between the maintenance and engineering departments that they literally would not even speak to each other.

Deferred maintenance has reached the crisis stage. Gunn said that in the two weeks he rode the rail system, there were two derailments, one of which he witnessed. He also found a broken rail on the main line. In addition, seven station platforms – which are made of reinforced concrete – were being shored up by wood.

Gunn concluded—and he told the WMATA Board – that "Metro Rail has downhill momentum which will be difficult to stop."

We aren't going to solve these problems today, but I think Gunn's findings highlight the importance of WMATA's search for a new General Manager. The selection of a new General Manager, with the operational experience and the

managerial authority to do what is necessary, is likely to be key to reversing the decline.

# # # #

Chairman TOWNS. At this time I yield 5 minutes to the ranking member, Congressman Issa.

Mr. ISSA. Thank you, Mr. Chairman, and thank you for holding this hearing.

Clearly we have jurisdiction over the District of Columbia and surrounding areas' Metro system on this committee. I am proud that we have the ranking member of the Transportation Committee also on this committee, since the problem that we are going to explore today of our Metro system in the D.C., Maryland, and Virginia area is, in fact, not unique.

On a virtual daily basis around the country people discover that the operators of trains are texting, reading, and sometimes sleeping while an extremely heavy piece of equipment hurls down the road without any supervision. The use of automation today and over the last several decades has become the preferred system to rely on, but, as we discovered last year, there is no substitute for human beings involved in the process—human beings involved in the maintenance, the engineering, and the operation. Any failure there cannot be made up for by a system that 99.9 percent of the time provides safety.

The U.S. Government provides 30 percent of the subsidy for every rail fare and as much as 70 percent of the subsidy for bus fares. Additionally, tens of thousands of Federal workers receive a tax-free transit benefit that effectively amounts to an indirect subsidy to our Metro system. Nevertheless, Metro cannot reach its financial obligations and is facing $189 million budget shortfall for fiscal year 2010.

Let us be very clear: it is not because Washington, DC, and northern Virginia are not booming. Employment is up. Home prices are virtually stable. And, in fact, times are good in the District of Columbia. Fares are rising, but ridership is falling. A system which was innovative in its day is now potentially going to be outdated.

This shifts more and more traffic onto our roads, ones that, in the case of the District of Columbia, were not able to be expanded, cannot be upgraded because of the—I won't say clutter, but the large amount of Federal buildings. We in the District of Columbia cannot simply tear down the White House in order to form a more innovative track system. We cannot move the Capitol.

Due to this, the failure of the Red Line and the killing of 9 people and the injuring of 80 others is more than just an accident to be investigated. We have a system in the District of Columbia and surrounding areas that must work. It must be able to carry more passengers and do so safely.

So as we hear today about the failures, let us understand that the day of saying that in the District of Columbia the Metro is good to use is behind us. The Metro is essential to use. We cannot, through buses or cars, meet the requirements of a growing Federal Government.

I, for one, would like to see the Federal Government not grow, but I have been here 10 years and not having good, freed-up systems of transportation has never worked in the past, it will not work in the future. So I join with the chairman in wanting to investigate this and hope that we will continue to monitor on a broader basis to find out where the flaws are coming in a system

that we took to be safe when, in fact, it appears it is not safe and crumbling.

With that, Mr. Chairman, I yield back.

[The prepared statement of Hon. Darrell E. Issa follows:]

EDOLPHUS TOWNS, NEW YORK
CHAIRMAN

DARRELL E. ISSA, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED ELEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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Statement of Rep. Darrell Issa, Ranking Member

"The Washington Metro System: Safety, Service and Stability"

April 21, 2010

Thank you, Mr. Chairman, for holding today's hearing on the safety and stability of the Washington Metro System.

Metro provides commuter service to tens of thousands of federal workers, and offers public transportation to the people of Maryland, Virginia, and the District of Columbia as well as visitors to the region. Today, an average of 850,000 passengers ride Metro every day within a 1500 square mile jurisdiction, and the government subsidizes approximately 30% of rail and 70% of every bus fare. In addition to this direct subsidy, the government provides an indirect subsidy through tax-exempt employee transit benefits. Even with this sizable government subsidy, Metro cannot seem to bring its expenses in line with revenue.

Indeed, Metro is suffering from a number of problems that threaten its service and undermine the public trust.

There is a problem with Metro's leadership and management structure, which was recently described by the Washington Post as "antiquated, inefficient and unsuitable." The governing board has struggled to find consistent leadership, and Metro has experience rapid turnover in senior management positions. One former general manager has noted that the loss of talent is "staggering."

Safety breakdowns have spiked, and the incidence of derailments, injuries and fatalities continues to climb. Last year, a Red Line accident killed 9 people and injured nearly 80 more between the Takoma and Fort Totten stations. In the aftermath of the crash, Metro officials discovered that faulty rail circuits and breaking mechanisms were an ongoing and underreported problem.

This is not only unacceptable, it is a frightening breach of public safety.

Not surprisingly, Metro is struggling under a growing financial deficit. In FY2011, Metro is facing a $189 million budget shortfall due to higher prices and lower ridership. Relationships between Maryland, the District of Columbia, and Northern Virginia jurisdictions are strained, further compounding Metro's difficulties.

Finally, Metro officials frequently cite the lack of a dedicated funding source in response to questions about safety defects. But with Metro already working on expansion projects, it's unacceptable to cite a budgeting procedure for the agency's inability to keep escalators working to accommodate special needs passengers, or prevent workers from being struck by trains, or from keeping trains from colliding and causing passenger deaths.

We will not resolve all of these problems today, Mr. Chairman. And certainly it is not Congress's intent to pass quick fixes or extend more taxpayer bailouts to help Metro. I hope to hear from today's witnesses that Metro is making progress on addressing these critical safety concerns.

Thank you.

###

Chairman TOWNS. Thank you very much.

Let me just say that we have agreed that we would have two opening statements on each side. The ranking member of the subcommittee that has jurisdiction, we will allow them to make an opening statement, of course, and the gentlewoman from Washington, DC, who actually represents the District of Columbia, and, of course, Mr. Mica, who is the ranking member on Transportation. So we will go in that order, with the gentlewoman from D.C. first.

Ms. NORTON. Thank you very much, Mr. Chairman. I certainly want to associate myself with your remarks and with the remarks of the ranking member.

I asked for this hearing several months ago at the subcommittee level. I regret that it has been delayed, but I will accept that delay inasmuch as it has been put at the full committee level, on the hope that putting this hearing at the full committee level will get some greater attention to the issues that were raised now almost a year ago and where I see no progress.

And, if I may say so, Mr. Chairman, you mentioned nine people from this region were killed just short of a year ago, seven of them from the District of Columbia, but the larger number of people who ride the Metro come from all over the region. Where are we almost a year later? What action has been taken?

Well, the President has appointed the two Federal members that were necessary to get the first $150 million of the $1.5 billion over 10 years we are promised. We got that $150 million only after nine people were killed, and finally during the appropriation process, out of committee, on another committee, and the ranking member, Mr. Mica, of that committee is here. We have sent to the floor—not yet heard—a bill that will regulate Metro systems across the country, but what has happened in this region, Mr. Chairman? Just in this morning's paper we read that the executives of the three jurisdictions involved just got together yesterday and publicized a plan—I hope we will hear more of it—to strengthen the so-called TOC, the safety mechanism that was toothless and brainless before this accident. A full year, and we are just getting a mechanism and we are just learning about it.

I don't know what it takes to shock action, but I would have thought that immediately after nine people were sacrificed that would be enough.

In addition, after that we see the Metro trains slowed every day, which makes people think something must be wrong, no real explanation as to what is happening and why and how long it will take.

Mr. Chairman, I compare this once sterling system to the system you know so well in New York, to systems in Chicago. Those systems are very much older than the system here, and yet those systems do not show anything like this accident rate, either among personnel or among its riders.

Mr. Chairman, I am, if anything, frustrated, have nothing good to say about the progress that has been made, despite the oversight of the subcommittee, and believe that if we do not see some explanation at this hearing and some immediate action on what has been a melt-down of our major transit system, we will see what is already apparent: the loss of confidence in the only system most people have to take.

So we are done with oversight. It is time now to demand from witnesses action that we can see, certainly by the anniversary of June 22nd, when nine people lost their lives on this system.

Thank you very much, Mr. Chairman.

Chairman TOWNS. I thank the gentlewoman from Washington, DC.

I now yield to the gentleman from Florida, Mr. Mica.

Mr. MICA. Thank you so much, Mr. Towns, for both conducting this hearing, your responsiveness in conducting appropriate oversight. I am the Republican ranking member, the Republican leader of the Transportation Committee. I think it is great to have this committee, with its independence, also take a look where we need to and conduct oversight where we need to on important issues even in the transportation realm.

Certainly it is incumbent upon this committee, given our jurisdiction also over the District of Columbia, that we do due diligence in addressing the problems that we have here.

First of all, let me say that safety has to be our absolute top priority when it comes to transportation. I think everybody is committed to it—the administration, Members of Congress. And I think we have to see what we can do to make certain that we improve not only the District transportation system operations but also to address the country's infrastructure and transportation safety issues there.

Now, given that, you know, every time you have problems with a system everybody runs for a solution. I would have to beg to differ with the administration for the solution that they have come forward with, and I think we are presented with some choices. The administration is coming forward and saying we need to expand Federal authority over local and State transit systems and operations. I can tell you, ladies and gentlemen, that the last persons that we need or entity that we need are Federal bureaucrats or another Federal responsibility in this area.

If we just look at the transit responsibility we have for safety right now, transportation safety responsibility—where's our little chart, I will put it up there—you look at the record, you have to go by the record of how people perform. The Federal Government FRA has authority over commuter rail right now and also over Amtrak, our two star areas that FRA oversees. The deaths with commuter rail are one per five billion passengers. This is the 2008 fatality rate. The death for Amtrak, excluding suicides, is one for every 241,000. I guess that is extrapolated out. But, by the same token, if you look at rail transit under local and State authority, we are looking at 1 in 65 million. So local and State, for the most part, are doing very well, and they also have a huge number of passengers, far surpassing anything. In 1 day the transit systems locally exceed what Amtrak does in an entire year.

So we don't want to spread the butter any thinner and the money any thinner. What you need is you need resources, and applying the resources for millions of dollars and more bureaucrats to walk the tracks or have some new title is not the answer.

It is also the slowest answer. You could ask Ms. Norton how she's coming on getting voting rights for the District of Columbia. This Federal process is a slow process.

I was pleased to see that the two Governors and Mayor Fenty have acted, and I think that is the best action, and it can be taken, not that we don't need to tighten up some Federal regulations. We don't need to impose mandates, but we can have some better safety standards for them without the bureaucracy.

What they need—and Ms. Norton put her finger on it—is money. And the money did not come until people were killed, and that is not the way to run a transit system. So we need to make the investment in technology and equipment that will give us the safest possible systems not only in the District of Columbia but across the United States of America.

So I am glad you are conducting this. I want to keep our eye on the ball and the problem and a solution that will make us truly safe.

Thank you.

Chairman TOWNS. Thank you very much, and thank you for your statement.

At this time I yield to the chairman of the subcommittee that has jurisdiction, Congressman Lynch.

Mr. LYNCH. Thank you, Mr. Chairman, and thank you for convening today's important hearing.

As chairman of the subcommittee with jurisdiction over the District of Columbia, we have had multiple hearings on the various challenges currently facing the Washington Metro. The Washington Metropolitan Area Transit Authority [WMATA], as some have referred to it, is the Nation's Capital's primary transportation agency, and it provides services to a population of over 3½ million people, with a 1,500 square mile area. Considering the estimated 40 percent of the Federal employees who utilize the Washington Metro on a daily basis and the hundreds of thousands of D.C. area residents and tourists who rely on the system to navigate the Nation's Capital, it is critical that the D.C. Metro system be transformed into a pinnacle of dependability and safety.

Unfortunately, as others have pointed out, the Washington Metro is currently facing serious safety and budgetary challenges. The D.C. Metro is confronting a $189 million budget gap which concerns me as far as the potential impact of those who utilize Metro rail, Metro bus, and Metro access. The WMATA Metro is also in the midst of addressing a series of accidents, including the June 22, 2009, Red Line collision, which the subcommittee held a hearing on in July 2009, and five subsequent accidents which resulted in four workers deaths and three non-fatal injuries.

At the subcommittee's hearing on the June 22nd collision and in subsequent reports, serious questions were raised regarding deficiencies in the Washington Metro safety culture. In light of these concerns, I am particularly interested in the steps that have been taken and that plan to be taken to ensure that the highest standards of safety exist for Metro riders and employees, alike.

Specifically, I look forward to discussing the efforts that WMATA and the three jurisdictions that are affected have taken to strengthen would Metro's safety oversight agency, the Tri-State Oversight Committee. I also hope we will be able to touch upon the legislative proposals that have been put forth to enhance the over-

sight and regulatory authority of the Federal Transit Administration over transit agencies and operations.

The Washington Metropolitan Area Transit Authority is navigating a complex transition period right now, and I hope to learn more today about what is being done by Metro and its various stakeholders to ensure the safety and security of hundreds of thousands of people who rely on the system on a daily basis.

Additionally, I would like to note that the Federal Government has a role to play in promoting the safety and service of WMATA. I welcome the opportunity to hear about what we in Congress can do to help Metro at this time.

Again, I would like to thank Chairman Towns and the gentlelady from the district, Ms. Eleanor Holmes Norton, for their willingness to push this issue forward and to convene this hearing today.

I welcome our witnesses and I yield back the remainder of our time.

Mr. VAN HOLLEN [presiding]. Thank you, Mr. Lynch.

The chairman had to leave. We will continue the hearing.

I want to thank the chairman and Ranking Member Issa, also, for convening the hearing. As a member of the Washington area delegation, this has been a pressing issue for all of us. I want to thank Congresswoman Eleanor Holmes Norton for her long-time leadership on this issue. Of course, Mr. Connolly from Virginia has been a big advocate for WMATA in his early capacity as a local official, head of the Fairfax County Board of Supervisors, and, of course, has remained very focused on this issue as a Member of Congress. And my colleagues from Maryland and Virginia, Mr. Cummings—Maryland, the District of Columbia, and Virginia, of course, contribute in terms of resources and manpower and expertise to this important system.

I see Mr. Connolly. I think we will have an opportunity, Mr. Connolly—we are going to be very flexible during the question period. I think that we will have as many rounds as people want to cover points.

I think without further ado we will just get right to it.

Mr. Rogoff, thank you for being here today to give your testimony. As has been referenced, you did an earlier report. I believe this is the first time that WMATA will have an opportunity in this kind of public setting, anyway, to respond to your report, so thank you for being here today.

It is the tradition of this committee to swear in the witnesses, so if you could please stand and raise your right hand as I administer the oath.

[Witness sworn.]

Mr. VAN HOLLEN. Let the record reflect that the witness has answered in the affirmative.

You may now be seated and please proceed to deliver your oral statement. You have 5 minutes. You will see the yellow light go on there when you have 1 minute left, and the red light, as it says, is when you can try and wrap up your comments.

Thank you for being here, and please proceed.

STATEMENT OF PETER ROGOFF, ADMINISTRATOR, U.S. FEDERAL TRANSIT ADMINISTRATION

Mr. ROGOFF. Thank you, Mr. Van Hollen, Ranking Member Mica, Ms. Norton, and other members of the committee. I appreciate the opportunity to appear before you today.

Washington Metro provides essential public transit and paratransit services to millions of citizens of the capital region every day, and through Secretary LaHood's leadership the Obama administration has remained focused on the challenge of improving Metro's troubling safety record. In the wake of the tragic Fort Totten accident last June, Secretary LaHood, acting through his newly established Safety Council, provided technical assistance to the Metro leadership to help immediately address their safety deficiencies. In addition, secretary LaHood ordered the Federal Transit Administration, along with Senator Mikulski, to initiate an audit of the Tri-State Oversight Committee, as well as Metro's safety program.

Our audit resulted in 21 findings and recommendations. Before I present them, however, I do want to make three over-arching points.

First, the individual findings in our audit are merely symptoms of a larger problem. Addressing each of our recommendations piecemeal, one-by-one, will not solve the whole safety problem at Metro. The over-arching safety problem will only be solved through a top-to-bottom change in the safety culture and focus at Metro.

Second, I want to emphasize that under current law FTA does not have the legal authority to compel WMATA to take specific corrective action to address any of our recommendations. As I have testified before, FTA is currently prohibited by law from issuing national safety regulations for transit systems. And with few exceptions, State safety organizations like the TOC similarly have no legal authority to compel transit agencies like Washington Metro to respond to their safety findings. They don't have to respond to them in a timely way. In fact, they don't have to respond to them at all.

This is precisely the reason why Secretary LaHood, on behalf of President Obama, formally transmitted a safety reform bill to the Congress back in December 2009. Just weeks later, President Obama transmitted a budget request to Congress that includes the funding necessary to implement the bill.

The Metro crash last summer certainly accelerated our efforts to develop our transit safety bill, but it is important to note that we were already focused on accidents and safety lapses that concerned us at the Chicago Transit Authority, the Muni system in San Francisco, the T up in Boston, and elsewhere.

While we believe the situation at Washington Metro is particularly troubling, some of the deficiencies and vulnerabilities that we identified in our audit are similar to problems that exist at transit agencies and State safety organizations around the country. That is why we need Congress to move forward with our transit safety reform bill now. The U.S. DOT cannot move forward to address these problems in any meaningful way while we are still prohibited in law from issuing safety regulations or conducting direct safety oversight.

Just a few weeks ago, for example, Secretary LaHood used his authority to prohibit texting while driving nationwide for commercial truck and bus drivers, but even a simple, common-sense safety measure like that cannot automatically apply to employees operating trains on systems like Metro until Congress changes the law.

So on behalf of the President and Secretary LaHood, I must ask you collectively to do all you can to move this legislation to the President's desk.

The third over-arching point I want to make—and it echoes something that Mr. Mica said—is that rail transit safety has challenges. We see important factors on the horizon that cause us concern. We have statistics that I am sure I will bring into the record that concern us that gave rise to our moving forward with our legislation. But it is important to point out that any proposal that, in the interest of curing the problems of Washington Metro, lowers the capacity of Washington Metro, and in so doing pushes people from Metro onto the city streets is a degradation of safety. It is still far safer by any measure to use rail transit than to drive.

With those points made, I want to summarize our 21 findings. I am going to summarize them in the interest of time. I am going to ask that our full audit be made part of the hearing record so all Members will have access to it. But really our findings surround four major observations, both at the TOC and in WMATA.

First and foremost, inadequate communication. Also, in terms of the authorities of the TOC, inadequate authority, inadequate management of resources, and inadequate expertise.

Regarding WMATA, we believe there are serious organizational failures that must be addressed immediately. Our audit found that there is no internal process for communicating safety-related information across all WMATA departments. Worse still, there is no internal process for the chief safety officer to communicate safety priorities to the general manager.

In fact, safety department representatives indicated that they were learning for the first time during our audit that information of a safety nature was being documented by other operating departments.

Put simply, Metro's safety department has been isolated both from top management and from other Metro departments. In fact, the safety department has had their access and authority questioned by other operating departments.

The safety department was, in effect, completely marginalized at Metro, and this dynamic has seriously undermined the safety department's ability to conduct its safety responsibilities.

Two facts that give us great concern: the safety department, itself, had been reorganized six times since 2005. Since 2007, there have been four different individuals in charge of the safety office. Given this record, no one should be surprised that Metro's safety department has been dysfunctional and ineffective.

Further, the lack of effective communication challenges within WMATA also impacts the communication between Metro and the Tri-St Oversight authority. Put simply, the multi-State agency that is charged with overseeing safety at Metro hasn't, until recently, had a way to communicate with Metro's senior management.

Finally but importantly, WMATA must finalize its right-of-way protection rules and develop consistent and comprehensive training as part of implementing these rules before employees get access to the right-of-way. Supervisors and operators told FTA that communications from right-of-way workers do not specify their exact location on the alignment. Specifically, operators stated that in some cases they do not know that workers are on the track until they have visual contact, and when this occurs, especially in so-called blind spots, operators have limited ability to slow the train. This is a grotesque violation of all common-sense safety principles.

Given these practices, we should be disgusted but not surprised that Metro's employees have faced disproportionate risk of fatality and injury as they work to keep the Metro system safe for the rest of us.

No fewer than eight Metro right-of-way workers have been killed on the job since 2005. It is an inexcusable record.

Regarding the Tri-State Oversight authority—I see my time has elapsed. I am going to try and move through this quickly—we have a number of recommendations that really apply to getting the necessary authority, staying on top of open corrective action plans. TOC was tracking over 200 open corrective action plans designed to prevent the recurrence of accidents at one time. Some of those corrective action plans date back to 2004.

Now, I noted with interest the announcement that Governor McDonnell, Governor O'Malley and Mayor Fenty issued just yesterday on these matters. I should say the TOC has until May 4th to formally respond to the specific findings of our audit. The white paper that they released yesterday responds to some of our audit findings but not all of them. I believe yesterday's announcement granting greater authority to the TOC chairman and implementing efforts to streamline the TOC's procedures are an important step in the right direction. More needs to be done, and, as is always the case, the proof will be in the agency's performance.

The same can be said for Metro's new-found responsiveness to the TOC's safety concerns. I have known Rich Sarles for a number of years, going back to his service both at Amtrak and at New Jersey Transit. I believe he is a skilled and committed no-nonsense transit professional. But, as Rich Sarles knows better than anyone, the proof that change has really come to Washington Metro will be in Metro's performance.

Now, I was going to take some time and explain how our transit safety proposal addresses some of the very issues that we found at Metro and the TOC. I think I will seek that through Q and A since I have expired my time.

Thank you for the opportunity to appear before you this morning.

[The prepared statement of Mr. Rogoff follows:]

Written Statement of
Peter M. Rogoff, Administrator
Federal Transit Administration
Before the
House Committee on Oversight and Government Reform
April 21, 2010

Chairman Towns, Ranking Member Issa, and Members of the Committee:

Thank you for the opportunity to appear before you today to discuss the Federal Transit Administration's (FTA) audit of the Tri-State Oversight Committee (TOC) and the Washington Metropolitan Area Transportation Authority (WMATA).

Before I summarize some of the highlights of our audit report, I want to point out that this audit was very different from past audits conducted by FTA. Because FTA currently lacks the legal authority to establish national safety standards that would govern agencies like WMATA, FTA limits the focus of our audits to the State Safety Oversight (SSO) agency, which in this case is the TOC. At the request of Senator Mikulski and Secretary Ray LaHood, and with the encouragement of WMATA's interim Chief Safety Officer, this audit, for the first time, took a hard look at WMATA's own safety program.

FTA's audit uncovered a number of troubling facts about WMATA and TOC. The audit concludes that these two agencies face serious challenges that could compromise the safety of WMATA's riders, if left unaddressed. While each of these agencies has effected recent improvements, a great deal more needs to be done to ensure that those advances become a permanent feature within the safety culture.

Our audit resulted in 21 findings and recommendations: 11 findings to TOC and 10 recommendations to WMATA.

Before I highlight the findings and recommendations made by FTA, I want to convey to you three important messages.

First, the findings in our audit are merely symptoms of a larger problem. Each finding and recommendation in our report reveals a hole or vulnerability in the very systems that have been implemented to ensure the safety of WMATA passengers and employees. Without a strong and daily commitment to safety from everyone at WMATA, from executive leadership down to the most junior employee, these systems cannot succeed. Addressing each of our recommendations, one by one, will not solve the whole safety problem. The overarching safety problem will only be solved through a top-to-bottom change in the safety culture and focus at WMATA.

Second, I want to emphasize that, under current law, FTA does not have the legal authority to compel WMATA to take specific corrective action to address our recommendations. As I have testified before, FTA is not empowered legally to issue national safety regulations for transit systems. And with few exceptions, State Safety Organizations, like the TOC, similarly have no

legal authority to compel transit agencies like WMATA to respond to ***their*** safety findings. They don't have to respond to them in a timely way. In fact, they don't have to respond to them at all.

Over the 15 years that the SSO regulations have been in place, only a few states have developed comprehensive state-level regulations and granted an SSO with authority to enforce them. While there is no federal impediment preventing states from developing independent authority, the vast majority of states have not done so. This is precisely the reason why Secretary LaHood, on behalf of President Obama, transmitted a transit safety reform bill to the Congress back in December 2009. I want to thank Chairman Dodd, Subcommittee Chairman Menendez, Senator Mikulski, and Senator Cardin for their assistance in getting this bill introduced. I also want to thank Representative Edwards for serving as an original co-sponsor of the House bill along with Chairman Oberstar and Subcommittee Chairman DeFazio.

The WMATA crash last summer certainly accelerated our efforts within the Obama Administration to develop and transmit our transit safety reform bill. But, WMATA is not the only transit system that has had accidents recently or safety lapses. We have been greatly concerned because the Chicago Transit Authority, the MTA (formerly MUNI) system in San Francisco, the "T" in Boston, and rail systems elsewhere have also experienced accidents or safety incidents. While we believe the situation at WMATA is particularly urgent, we believe that some of the deficiencies and vulnerabilities identified in our audit of WMATA and TOC are similar to problems that exist at other transit operators and State Safety Oversight organizations across America.

That is why it is so imperative to public safety that Congress enact our rail transit safety reform bill ***now***. The U.S. Department of Transportation cannot move forward to address these problems in any meaningful way while we lack the authority to issue national safety regulations and to conduct direct safety oversight of rail transit agencies and operators. Just a few weeks ago, Secretary LaHood used his statutory authority to prohibit texting while driving nationwide for commercial truck and bus drivers. But even a simple common-sense safety measure like that will not automatically apply to employees operating the rail transit portions of systems, such as WMATA, until Congress changes the law. So, on behalf of the President and Secretary LaHood, I must ask you collectively to do all you can to rapidly move this legislation to the President's desk.

Third, we must remember that, despite WMATA's safety challenges, every Washington area commuter is safer traveling on WMATA than they are traveling on our highways. Thus, we cannot allow any degradation in WMATA's reliability and performance such that commuters opt to abandon Metro in favor of our already congested highways. We must also caution against any proposals that will reduce significantly WMATA's existing capacity, forcing more commuters onto our highways. Any actions or proposals pushing WMATA riders onto our highways simply will degrade safety and worsen congestion in the region.

Moving on to the results of our audit of WMATA and TOC, I will first provide a brief summary of FTA's State Safety Oversight Program and then I will summarize some of the findings from our audit that concern us most. As I summarize our findings, you will see that there are common challenges faced by both TOC and WMATA in the areas of: inadequate management

of resources, inadequate expertise, inadequate authority, and inadequate communication. Should this Committee wish to review our findings in more detail, we have provided every Member a complete copy of the audit report and the report can be found on our public website at http://www.fta.dot.gov/news/speeches/news_events_11396.html.

FTA's State Safety Oversight Program

Congress authorized FTA's State Safety Oversight (SSO) program in 1991, in the Intermodal Surface Transportation Efficiency Act of 1991. FTA published a final rule in 1995, with a phased-in effectiveness period. States with rail transit agencies had to come into compliance with all of the rule's requirements by January 1, 1998. The SSO regulations use a framework of shared safety oversight responsibility that is unique among all of the operating administrations within the Department of Transportation. The SSO program is designed to work through the states to establish minimum safety requirements for the rail transit industry, must designate an oversight agency, and must develop a Program Standard. The Program Standard requires each rail transit agency to prepare and implement a System Safety Program Plan (SSPP). Under FTA's SSO regulations the designated SSO agency must hold each rail transit agency accountable for implementing its safety program.

FTA's regulations also require states to review and approve annually the rail transit agency's SSPP. And, once every three years, SSO agencies must conduct on-site reviews to assess the rail transit agency's implementation of its SSPP and to determine whether these plans need to be updated. States are also required to review and approve accident investigation reports and corrective action plans, participate in the rail transit agency's hazard management program, and oversee the rail transit agency's implementation of its internal safety and security audit program.

While I mention FTA's current authority to regulate SSO's, it is important to note that FTA's authority is indirect, at best, in relation to the actual operations of the rail transit systems. In fact, the establishment of any safety standards is left to the decision-making of each individual SSO, which results in a hodge-podge of non-uniform and inconsistent requirements across the country. Implementation of the resulting SSO safety requirements and program standards also suffer greatly because such enforcement is only as effective as the state specific SSO administering and monitoring those requirements. This does not provide for a uniform, nationwide, assurance of safety. It is one of many reasons this Administration finds the status quo unacceptable and has proposed legislative reforms designed to enhance the SSO program through the establishment of consistent, uniform, national safety standards.

Inadequate Management of Resources

This audit of TOC and WMATA revealed that each agency faces resource management challenges that limit its ability to effectively oversee and implement a safety program in accordance with FTA's State Safety Oversight regulations. For example, at the time of our audit we learned that out of 41 positions in WMATA's Safety Department, 25 percent are vacant. We also were told by WMATA representatives that recent accidents have placed additional burdens on the Safety Department's ability to carry out its daily activities. In addition, WMATA officials noted that unfilled vacancies limit the Safety Department's ability to ensure its SSPP is

implemented. This is a key point because part of the SSPP is the hazard management program, which is at the core of an effective safety program.

A hazard management program fosters hazard identification and analysis, which provide the rail transit agency an opportunity to proactively eliminate hazards before an accident. For WMATA, however, its representatives stated that due to a lack of resources, a formal hazard analysis is not routinely performed on system-wide issues. Furthermore, WMATA personnel also pointed out that WMATA's Board of Directors rarely requests formal hazard analysis or other information on how operating, maintenance or budget decisions may have safety impacts or how the agency is addressing safety-related concerns. This is exemplified by the fact that at the time of the audit, WMATA and TOC representatives were unable to identify the agency's top ten safety concerns or hazards.

Similarly, WMATA officials explained that the Safety Department's Division of Regulatory Compliance, which is responsible for hazard analysis, has experienced reductions in work force and on-going budget issues. As a result, all four analyst positions within the Regulatory Compliance Division have been vacant for over a year.

TOC fares no better when it comes to resource allocation. Since its inception in 1997, TOC has experienced considerable turnover among its members. Only one TOC member has served on TOC for three years, two other members have served for less than two years, and one member has served for less than one year. Further, with the exception of one Virginia representative, each member serves on the TOC as a collateral duty and TOC membership was not included in TOC member employee job descriptions with their home agencies. Only recently did the Virginia member begin dedicating full-time effort to TOC. Equally troubling, the home jurisdictions provide no training for serving on TOC, and a background in rail transit or system safety is not required.

Since there is a steep learning curve required to understand WMATA's operations and issues, part-time involvement of new members who change from year to year does not give TOC a strong foundation to carry out its oversight mission. We made this finding in past audits and the Government Accountability Office made a similar finding when it recommended that the jurisdictions provide one or more TOC full-time members to enhance responsiveness to WMATA requests, and to provide dedicated, on-site support at WMATA. Virginia has made this commitment and the other TOC jurisdictions must also dedicate full-time specialized employees to carry out the SSO activities.

We also find that the safety program management in all three jurisdictions has failed to assess the level of resources needed to meet TOC responsibilities. The jurisdictions must conduct an assessment and use the results of that assessment to establish resource commitments from each jurisdiction for the next three calendar years.

For WMATA, we recommend that management conduct an assessment to identify and prioritize the resources necessary to adequately administer its safety program and use the results of the assessment to ensure adequate staffing levels within the Safety Department.

Inadequate Expertise

During audit interviews, representatives from WMATA's Safety Department stated that the department lacks sufficient skills to conduct ongoing hazard analyses. In fact, over the last five years, TOC and FTA have made repeated findings regarding the inability of WMATA's Safety Department to work with other WMATA departments to develop and manage an effective internal audit program. For example, in FTA's audit of TOC in 2005, FTA raised a concern about WMATA's ability to identify, elevate, and address safety deficiencies. In 2007, when FTA again audited TOC, FTA found TOC deficient in ensuring that WMATA conducts internal safety audits according to approved schedules. As this 2009 audit was being conducted, WMATA personnel, noting similar deficiencies, explained that they did not have the expertise to provide training on how to conduct internal safety audits and would need to rely on outside contractor support.

Furthermore, during audits in 2005 and 2007, FTA determined that TOC was not ensuring that WMATA conducted internal safety audits according to approved schedules and requirements. Independent reviews conducted by TOC in 2004 and 2007 identified the same deficiency. WMATA began its new internal safety audit cycle in 2009 by submitting an audit schedule and audit checklists to TOC. WMATA failed, however, to meet approved schedules and has not performed the audits in an on-going manner as required by TOC Program Standards and Procedures and FTA's State Safety Oversight regulations.

When the Safety Department does conduct an audit, it does so primarily to assess compliance with Occupational Safety and Health Administration and Environmental Protection Agency rules and requirements and to ensure the use of appropriate Personal Protective Equipment at work sites. WMATA's Safety Department does not routinely design and execute methodologies to effectively review documentation, interview personnel, and conduct field observations to determine compliance with specific operating rules and procedures. Further, our audit revealed that there is general confusion within the Safety Department as to why it would need to conduct or manage internal audits of other departments.

Given this, FTA is concerned that over the last decade WMATA has failed to develop an effective internal safety audit process even after repeated warnings by FTA and TOC. While TOC has monitored this process, and noted its deficiencies, FTA finds that TOC must take a more active role in ensuring that WMATA develops the necessary expertise within its Safety Department to implement this critical process. We also find that TOC must evaluate the technical and professional skills that TOC representatives need to effective carry out their oversight duties.

Inadequate TOC Authority

Throughout the course of our audit, we identified several deficiencies regarding the implementation of the State Safety Oversight regulations, as well as on-going challenges in maintaining the quality of the oversight relationship.

The TOC jurisdictions—the District of Columbia, the Commonwealth of Virginia, and the State of Maryland—have structured TOC as a committee created by Memorandum of Understanding. While the TOC members and the home jurisdictions are committed to implementing the State Safety Oversight requirements, the jurisdictions have not provided TOC with the authority to ensure that WMATA effectively implements its SSPP. For example, until recently, TOC had limited interaction with WMATA's executive leadership. Instead, TOC members corresponded primarily with the Chief Safety Officer and held working meetings with lower level staff at WMATA. Also, because TOC lacks authority to compel action by WMATA, requests for information were provided late or not at all, TOC members were denied access to the right-of-way, and TOC members were excluded from key meetings.

We find that TOC must determine the best method for quickly and professionally responding to safety issues that arise at WMATA. We ask the jurisdictions to consider vesting the full-time TOC positions with decision-making authority to act in specific safety situations with WMATA.

Inadequate Communication

Most troubling about the findings in this audit is the clear indication that both TOC and WMATA suffer from inadequate communication within their organizations and between the two agencies. This defect impacts how quickly TOC can react to safety findings, how WMATA communicates internally regarding safety issues identified by TOC, and how the agencies communicate with one another.

TOC Communication

When specific compliance issues emerge at WMATA, TOC members often must obtain the authority to act from higher level executives in their own separate agencies. This creates challenges for TOC members because there is no formal process to manage conflicts of law or policy that arise among the three jurisdictions. Thus, our audit revealed that it is difficult for TOC members to speak as a unified entity. This is further exacerbated by the fact that most of TOC is part-time. The one full-time member of TOC conducts various meetings with WMATA and then has to debrief the part-time members regarding his activities. Our audit shows that the part-time involvement of a majority of the committee, who change from year-to-year, is not an effective communication strategy and does not give TOC a strong foundation for developing institutional knowledge to carry out its oversight mission.

WMATA Communication

Throughout FTA's audit, evidence indicates that WMATA's Safety Department is not "plugged in" to critical conversations, decision-making meetings and reporting systems that provide information on hazards and potential safety concerns throughout the agency. Key documents, reports, and decision are not consistently shared with the Safety Department. For example, the Safety Department does not receive and review available monthly reports from Rail Operation, Quality, or Maintenance. On numerous occasions during the audit interviews, Safety Department representatives indicated that they were learning, for the first time, that information of a safety nature was being documented by operating departments.

The lack of communication from operating and maintenance departments to the Safety Department, coupled with the lack of communication of top safety priorities from the Safety Department to the General Manager presents a disconnect in the flow of critical safety information within and throughout WMATA.

Communication between WMATA and TOC

It should not be surprising that communication lapses in TOC and WMATA lead to communication failures between the agencies. During this audit, WMATA staff told us that it believes that TOC, at times, appeared to be using the media in a punitive manner to resolve differences of opinion with WMATA. WMATA managers stated that, in a few instances recently, media reporters were better informed regarding a conflict with TOC than WMATA's own senior leadership. TOC members disagree with WMATA on this point, but they acknowledge media coverage has been largely helpful to TOC because, as noted earlier, TOC has had problems in the past with WMATA's responsiveness to TOC's specific requests.

TOC representatives stated that when TOC members disagreed with the decision of the Chief Safety Officer, or did not believe that enough work had been done in a specific area, there was no process in place to bring these concerns directly to the General Manager for action. (At FTA's recommendation, TOC did conduct an annual meeting with the General Manager, but minutes show that these meetings were introductory and general in nature.) WMATA's General Manager and Board of Directors have since taken action to ensure greater responsiveness to TOC.

As a result of this audit, FTA is requiring TOC to develop a procedure to ensure that critical safety concerns are elevated to the highest levels in each jurisdiction and WMATA for immediate action. We also recommend that WMATA develop an internal process to require communication of safety-related information across all WMATA departments.

Conclusion

In conclusion, I want to take a moment to explain how the Obama Administration's transit safety reform bill would address many of the deficiencies that we found at WMATA and TOC.

First, our legislative proposal would provide FTA, as the delegate of the Secretary of Transportation, direct oversight authority over transit agencies and operators. The bill would grant us the authority to issue notice and comment regulations, and to enforce those regulations. Our legislative proposal would allow FTA to set minimum, national standards in areas such as track worker protection, transit rail car crashworthiness, on-board event recorders or the institution of safety management systems to ensure critical safety issues receive the attention they deserve. Under our legislative proposal, FTA would be empowered with tools similar to those available to agencies like the Federal Aviation Administration (FAA), allowing the FAA to compel the compliance of regulated parties. While State Safety Oversight agencies would have the opportunity to enforce Federal regulations on FTA's behalf, they would only be

allowed to do so if they had the staff strength, expertise, and legislative authority as determined by FTA.

Moreover, our legislative proposal would provide Federal funds to SSOs for hiring, training, inspections, and other safety-related activities. Rather than having SSOs that are understaffed and undertrained, FTA would provide resources to ensure that they are up to the task.

Finally, our legislative proposal is built around the goal of getting every rail transit provider, including WMATA, to embrace a state-of-the-art Safety Management System (SMS). An effective SMS is one where all employees, from the lowest to the highest rungs of the operation, are keeping their eyes and ears on safety concerns. When operating under an SMS model, employees at every level of the organization should be routinely reporting their observations and concerns in a non-threatening environment to agency experts who regularly analyze and address the most critical safety concerns first. It's an environment where communication is constant and safety is paramount. That is our vision for safer rail transit systems across the nation. We ask for your help in getting us there by passing President Obama's transit safety legislation promptly.

I thank you again for the opportunity to be here today to summarize our audit findings, and I would be happy to answer any questions you may have.

Mr. VAN HOLLEN. Thank you, Mr. Rogoff. Thank you for that testimony.

Let me just pick up on the issue you raised near the end of your testimony with respect to TOC's proposal that was made to the Governors and the mayor of the District of Columbia yesterday. I gather from your comments you have had some opportunity to review that.

Mr. ROGOFF. We got it last night.

Mr. VAN HOLLEN. And you mentioned it made some progress toward some of the recommendations you have raised but still has some room to go. If you could please elaborate, both on the parts that you think address some of the issues that you have raised, but also on what you see as missing and what will have to be filled in by the May deadline that you mentioned.

Mr. ROGOFF. Probably the most important change that was made has to do with the actual authority of the individuals that are appointed by the three jurisdictions. Up until this point, really the TOC was—Ms. Norton referred to it as toothless. I think it is fair to say that their authority and their ability to command any attention out of Metro is undermined by the law, but it is also undermined that whenever they sought to elevate an issue they each had to go back to their own jurisdiction and consult with the District leadership, the Maryland leadership, the Virginia leadership, and get a go-ahead to elevate these issues.

From what I could review, just having reviewed their document last night, they are attempting to take on that issue by appointing a full-time chairman—as I pointed out, right now up until recently they had no full-time employees—to give the TOC greater authority to act independently without having to run everything up the flagpole in all three jurisdictions.

But, like I said, how much credibility and how much authority the TOC can have to address some of the core issues is undermined by the statutes, both in terms of the authority that was granted to TOC and the absence of Federal standards.

Mr. VAN HOLLEN. Well, on that issue, you mentioned in your testimony that only a few States have developed comprehensive, State-level regulations and granted their State safety organizations the authority to enforce those regulations. Could you talk about what those States have with respect to the enforcement provisions, and then talk a little bit about modeling TOC after that and what changes would be required specifically to the legal framework to accomplish that?

Mr. ROGOFF. Well, under the legislation we have submitted, our goal is to develop a system where the State safety organizations are very much our partners. We want to strengthen the State safety organizations just like Mr. Mica does. We want them to be our partners in this endeavor. But in order to do that, they need to have the authority to command the attention of the agencies they oversee, and some of those authorities that some of the States have implemented piecemeal have been things like the ability to fine, the ability in a worst-case scenario to dictate an operating practice. Those aren't the common situations that you want. You certainly don't want, first and foremost, transit agencies have transportation

to deliver during rush hour, and they need to get people in and out, and it needs to be done in a seamless fashion.

But I think importantly right now we have 27 State safety organizations, all of them I would describe as weak in their authority, but, more importantly, since we have no Federal standards we have 27 different definitions of rail safety out there, and that is one of the reasons why we felt that it was critically important that there be an opportunity for the Federal Government to establish minimum safety standards, so as we strengthen the State safety organizations they have a standard to oversee and enforcement rather than 27 agencies defining safety in their own way.

Mr. VAN HOLLEN. WMATA, as you probably know, has also come up with a kind of work plan to respond to the issues that you raised in your report. Can you comment on whether that plan, in your opinion, gets us to where you think we need to go to meet the safety concerns that you raised?

Mr. ROGOFF. Well, we haven't had transmitted to us a comprehensive plan yet. Like I said, they have until the 4th to specifically respond to the findings of our audit. We have obviously seen measures taken by Metro, some of which we find very encouraging. They have now brought in a new chief safety officer, Jim Dougherty, who is an industry professional who came from California to join the WMATA team. We have obviously seen hiring now. We were very concerned about the number of vacancies in the safety office.

I think one of the things that is very, very hard to determine from the outside is whether this whole issue of communication has yet been solved, is whether all of the assorted stovepipes in WMATA are working together, are talking to each other, and pooling resources around common safety goals. There I think the proof, as I said, is going to be in the performance.

Mr. VAN HOLLEN. Thank you.

Mr. Issa.

Mr. ISSA. Thank you, Mr. Chairman.

You know, one of the things we try to do here is ask different questions to make the record complete, and I am going to ask you a line of questioning that is almost counter to the Secretary's proposal or portions of it, but not because I want to be counter to it. His proposal and the committee of jurisdiction may be exactly right, but I will leave that to the Transportation Committee. But let me ask you a couple of questions.

First of all, what if you set up a standard and didn't have the authority to enforcement it, but you set up a standard and published it? What if you had the funds to publish a central standard and you had the transparency to review whether or not they were compliant with what would ultimately be a voluntary standard? Wouldn't that, first of all, set something from which these committees—and the Metro system appears to be a committee of committees of committees, and that is part of their problem.

But ultimately the committee would have to answer the question: are we compliant or not, the same as every audit firm looks at—and I sit on the board of a public company—we look. The one thing we don't want is we don't want our review to say we have material failures of our audit in any aspect, so we work very hard to meet

that standard. We don't always meet it, but ultimately you can have material failures every single time as a public company and yet the last thing you want to do is have the stakeholders, particularly in a public company, see that.

What is wrong with the Federal Government beefing up its transparency and its ability to develop that standard as an interim step?

Mr. ROGOFF. Well, there are some voluntary standards in place now. They are not issued by the FTA. I will say that we have participated in funding this effort through the American Public Transit Association, but they are just that: they are voluntary standards.

Mr. ISSA. Does the Metro system meet that standard?

Mr. ROGOFF. I can't speak to each individual voluntary standard and where Metro may be compliant with some and not with others. I think——

Mr. ISSA. But doesn't that beg the question of, if you have helped in the process of creating multiple standards with your own funding, in a sense aren't you complicit, if you will, in this failure by not using the Federal Government's dollars, not just the ones we give to the various Metros, but the Federal Government's dollars to have a single point of what is right or wrong in a given situation that could be studied and hopefully complied with by people who don't want to be sued, who don't want to look terrible in their safety record and other parts, when in some cases some of these boards and commissions are either truly voluntary or de minimis in their pay. I mean, people who sit on these boards, the last thing they want is to ruin a reputation that caused them to be appointed by a mayor or a Governor to them.

Mr. ROGOFF. I think to the degree that we are complicit in wrongdoing in that is—and this started, obviously, before our participation, but that is that we engaged in at least helping the transit industry develop voluntary standards. As a Federal agency, I feel that it is our obligation to identify what the safe practice is, and that is why the only way we can ensure that we are going to see those safe practices is by having mandatory standards.

Now, having said that——

Mr. ISSA. Let me be the devil's advocate a little further. You haven't developed a single standard. You haven't had the ability——

Mr. ROGOFF. Sir, I am prohibited by law from establishing a standard.

Mr. ISSA. No, no. I understand. I understand, but I am trying to walk you through the difference between federalism and, in fact, a single government. We don't have a single government. San Diego has a pitiful, slow system of Metro, for the most part. Most of our trains and trolleys and so on—and, for that matter, the San Francisco cable cars I think should flunk any safety standard, and yet please let's not tell San Francisco that they have to get rid of their cable cars.

So back to the basic point: you haven't developed a single standard, for whatever reason, call it a self-inflicted wound by Congress, you haven't developed a single standard, you don't have a statutory transparency, even though we provide more than 30 percent of the

funding to the Metro system, and you, if you will, you have sort of been an observer.

If we are looking at fixing the system and respecting States and other—in this case, two States and the District—organization, respecting their ability to do the best they can with the specifics of what they have, why wouldn't we take the interim step of giving you the authority to analyze, the money to analyze, the ability to have transparency on these organizations that we fund with Federal taxpayer dollars, but at the same time recognize that until you produce that standard that you would like to produce and it has a little bit of testing, why would we immediately go to mandating it when it might be in some cases that your standard, if mandated, would not necessarily improve the safety for every Metro around the country? After all, you do have authority over the interstate train system and it is not without its flaws, is it?

Mr. ROGOFF. No, it certainly isn't.

Let me make three points. The interstate train system is overseen by the Federal Railroad Administration and it is very pertinent to some of the data that Mr. Mica put up, and that is that we have a very voluminous Federal book of standards issued by the Federal Railroad Administration that pertains to about one-eighth of the rail transit riders in the form of commuter rail. Eight times that number of transit riders are currently covered by no Federal standards.

Now, I think it is important to point out you are talking about a specific standard to a specific technology. We have said over and over again that it is our goal to not recreate the very voluminous FRA rule book for rail transit systems. Not only would it be overwhelmingly burdensome, it wouldn't really be appropriate for rail transit because these systems use different technologies. You can't just write a standard that would necessarily apply to all of them. I mean, certainly you could pull off some low-hanging fruit, like prohibiting texting while driving a rail vehicle.

Mr. ISSA. Or sleeping.

Mr. ROGOFF. Or sleeping. That is a no-brainer. Or, you know, medical examinations for rail transit vehicle operators. But our real goal is to require a system, to get the transit operators to get a system of safety management in place. Right now, across the universe of rail transit safety, performance by our transit agencies, we have huge diversity. In the area of asset management and do they really know the condition of their assets, I have transit agencies that do a very, very good job and know where all their assets are and know their condition. I also have transit agencies who couldn't even tell you where all their assets are at this moment, and everything in between.

What we are trying to do is not necessarily regulate in the tensile strength of every segment of rail, but really get at the issue of requiring a safety management system that addresses the unique safety challenges of each transit system, and the safety challenges of those transit systems are going to be different system to system.

Mr. ISSA. Thank you.

Thank you, Mr. Chairman.

Mr. VAN HOLLEN. Thank you.

Ms. Norton.

Ms. NORTON. Thank you, Mr. Chairman.

Yes, the safety standards are going to be different system to system. That is very important. Most of these systems don't run across State lines the way ours do. But it is important to note, because Mr. Mica indicated that there might be local systems that are doing well. As I understand the administration's proposal, the preference is for the local system. If it is not doing well, somebody has to do it, and as long as it is done under some Federal regulations that we all would agree upon, who would, in fact, be doing it would be the local jurisdictions.

Isn't that the case, that rather than have mandates imposed, because San Francisco differs from the District of Columbia, the mandates wouldn't be imposed locally, so you would look only at the mandates to see if they are consistent with safety standards, recognizing that there might be very different mandates and that the Federal Government shouldn't be imposing some national mandate?

Mr. ROGOFF. Our goal is really—I'm not going to say at the 10,000 foot level, but to establish standards at the 5,000 foot level, like I said, that addresses safety management systems rather than individual components, agency by agency.

I think, importantly, another part of our proposal that is critical to it, and that is to strengthen these State agencies. Right now, up until this year when the number just ticked above one, right now the average staffing strength for these State safety organizations, when you remove California, is less than one person per year.

Ms. NORTON. The average what?

Mr. ROGOFF. The staffing strength, the number of people who actually work in these State safety organizations. Right now, based on our most recent data, because the TOC has boosted his staff a little bit and because California has a very different regime, but when you look at all of the other 25 State agencies, there is less than one full-time person working at them all year.

Ms. NORTON. This really gets to my next question, because I wanted a comparison of TOC with safety organizations across the United States. We know how to compare WMATA with New York and Chicago, but are you telling me the vast systems in Chicago, for example, in Illinois, that those systems, like WMATA, would only have this toothless notion? Or let me ask further, would such systems at least have some authority, even if they were not well staffed, in other jurisdictions?

Mr. ROGOFF. Our goal under our legislation is to——

Ms. NORTON. No, I am asking what it is.

Mr. ROGOFF. What it is now?

Ms. NORTON. I am trying to get some perspective on whether or not TOC is different from other jurisdictions.

Mr. ROGOFF. Well, I think we have——

Ms. NORTON. In terms of its authority relative to the local transit system.

Mr. ROGOFF. We have State agencies that are stronger and State agencies that are weaker. We have 27 models out there, which is part of the problem, which is why we want to establish——

Ms. NORTON. But if they have one person on average, can you possibly have some that are strong with one personnel?

Mr. ROGOFF. The only one that I would identify as being considerably stronger is California. It is handled by the California Public Utility Commission. They have staffing of upwards of 18 people to bring to bear on this issue.

Ms. NORTON. Well, do you think that one full-time chairman—now, I am told this chairman would be full time, this proposal that apparently came forward because this committee was holding a hearing, it appears. Would this full-time chairman be a full-time paid chairman at the executive level, as you understand it or see it?

Mr. ROGOFF. I am really just going off of the material we got last night.

Ms. NORTON. And it does not say?

Mr. ROGOFF. The chairman of the TOC is testifying on the next panel. It might be an appropriate question for him. What we have said is these are some steps in the right direction, but clearly more needs to be done.

Ms. NORTON. Let me ask you about your role. How many other transit systems in the United States cross State lines like this? Here we cross three State lines. Is that unusual?

Mr. ROGOFF. Well, it is unusual in some cases, but off the top of my head we certainly have, up in the New York/New Jersey/Connecticut region we have it. We are going to have rail transportation——

Ms. NORTON. Well, you have the authority——

Mr. ROGOFF [continuing]. Between Rhode Island and Massachusetts.

Ms. NORTON. I know New York and New Jersey, but typically they are within State boundaries.

Mr. ROGOFF. Typically.

Ms. NORTON. Now, in New York and—you did an audit. what gave you the authority to do the audit at all if you have so little authority over State systems?

Mr. ROGOFF. We had the authority to audit the State safety organization, because they are the—that is, currently implementing the rather weak Federal regime. That is the decision that was made in ISTEA in 1991, that rather than have Federal authority that we would have these State safety organizations.

Ms. NORTON. How many audits have been done?

Mr. ROGOFF. Very few. Well, let me rephrase that. We audit every 3 years the condition of each of the State safety organizations, but it is fair to say that this audit had considerably more attention and more resources put on it.

Ms. NORTON. Are you prepared, as I understand it and you are correct, we will learn more about what is proposed, and you do not have the response to the audit yet. Is the Federal Government considering that three States are involved and the Nation's Capital is involved? Is your office prepared to retain some kind of audit oversight until we get a TOC in place that will assure the public that safety concerns are being enforced? Or how will we know if there isn't somebody to inform us on a regular basis that what happened in June will not happen here or elsewhere?

Mr. ROGOFF. Well, I think, put simply, we can stay on top of the TOC to implement the audit findings we have, but our entire reason for putting forward a new legislative statutory regime was precisely because we don't think the current law allows the kind of comprehensive oversight by which we could guarantee the safety of the system.

Ms. NORTON. Mr. Chairman, could I just ask one last question? Does the proposal put forward by the executives propose to change their laws? What about their laws would have to be changed for us to get an independent TOC?

Mr. ROGOFF. Well, you raised a very important issue, and that is independence. That is one of our concerns about the inadequacy of the current regime. We currently have a situation where some of these State safety oversight organizations have been allowed to be funded by the very transit agencies they are supposed to oversee. It is a——

Ms. NORTON. Well, how else are they going to get some money?

Mr. ROGOFF. That is probably——

Ms. NORTON. The legislature?

Mr. ROGOFF. That is probably how this situation emerged, but the reality is we don't allow regulated parties to fund their regulators in any other area of transit safety oversight.

Ms. NORTON. So among the things the State legislatures do, would have them funding from the legislature and essentially to strengthen their independence?

Mr. ROGOFF. Strengthen their independence and their enforcement authority.

Ms. NORTON. Thank you, Mr. Chairman.

Mr. VAN HOLLEN. Thank you.

Mr. Mica.

Mr. MICA. Thank you.

Well, I think we are all searching for a solution to sum up with the safest possible system. Our minority side did a report December 2009 with some conclusions for reform.

My concern, Mr. Rogoff, is that, first, while you are asking for $29.6 million and 260 new full-time, permanent positions, and I am wondering how that money would best be spent. If we look at some of the problems, first you have some aging infrastructure. I just got back yesterday with Mr. Oberstar. We were out in Chicago.

Mr. ROGOFF. Right.

Mr. MICA. The L was built in 1888, the L line. We have a system here that is 34 years old. We look at the problems that we have seen. First of all, we had—well, we do have some special authority and responsibility over the District, which is unique, and we need to see that things are in place there.

As far as the country, if you look at the Federal Government and what it has done where it has authority—and, you know, you are FTA, but FRA has a horrible record of safety oversight, not that you will be a failure, and we don't want you to be a failure. We want you to be a success. But you had a failure of an agency to organize. When you don't have personnel assigned to safety, when you don't have a phone number or Web site or specific responsibilities defined in something we have oversight of, and our committee

does over the District and over this system, there is something wrong, so that needs to be changed.

If other State agencies don't do that—and our recommendation was to reform existing State oversight program to ensure that State agencies are properly staffed and have necessary authority to oversee safety of local and State systems. Rather than having money to create a Federal bureaucracy, give them the resources.

You just got through saying it is a conflict for the agency to use their resources to do the regulation, so I would rather go in the direction, if we are going to set some standards—and we don't know what they will be. The standards are going to be dramatically different. The L in Chicago is different than San Francisco, which you mentioned, which has cable car. We have BARTA system, different technologies. So one size fits all is not the answer to our problem. Right?

Mr. ROGOFF. We agree.

Mr. MICA. OK.

Mr. ROGOFF. Absolutely.

Mr. MICA. So, again, I don't mind spending the resources on safety, so I think we have to—you are well intended. You said the mandates would be limited to safety management systems. Did I misquote you?

Mr. ROGOFF. Well, I don't want to say exclusively. That is our focus. Something like, as I said——

Mr. MICA. Well, again, we make certain that something is in place and somebody is doing something, whether it is the two States and the District of Columbia here or——

Mr. ROGOFF. Something that is appropriate for the unique circumstances.

Mr. MICA [continuing]. Illinois or regional system. Now we are getting into regional systems. So I just don't want to spend a lot of money creating another Federal bureaucracy with a lot of mandates.

And then the other thing, too, is we said provide additional funding to local transit systems to upgrade safety equipment. That was our second recommendation back in November. So take some of the money, like Ms. Norton said, or these aging systems. They are all aging systems, and they need the money. And pinpoint that toward safety equipment that can make a difference in true safety.

So I am with you in the intent, but I think that we could, if we work together, we could refine this and address the problems and then have a solution that will do the job.

Mr. ROGOFF. Mr. Mica, I think we may disagree less than it appears, and here is why: you don't want to spend a lot of money on a large new bureaucracy. That is, in part, what we are saying when we say we don't want to completely recreate the FRA. And that is not to denigrate the FRA, but they grew out of a very different tradition over not decades but almost a century of trying to regulate—well, it started as rail operations run by private railroads.

You know, we have put forward money for additional people, not only so we could do regulations but also to do the very issues like fund strengthening of State oversight organizations to give them

the training and the expertise so we can certify that they are safe and they are fully empowered to do a good job.

Our budget proposal for this, which is funded in the President's 2011 budget, is still well less than 1 percent of my agency's entire budget, and I don't foresee our overall budget, even in its fully built-out form, exceeding 1 percent of our agency's total budget.

And I would also point out, on the issue of the aging infrastructure, we are totally in agreement. We did a report, as you know, that identified some $50 billion in deferred maintenance at the seven largest rail transit systems. In our 2011 budget, a transit budget that only grows by 1 percent for the whole FTA, we found a way of funding the new safety responsibilities, and we provided an 8 percent for our state of good repair initiative for these rail systems, so we are putting our money where our mouth is on looking out for safety and trying to do as well as we can on state of good repair.

Mr. VAN HOLLEN. Maybe we can get an agreement here.

Mr. MICA. Well, we do thank him and look forward to working with him.

I would ask unanimous consent that both a copy of our recommendations, the minority, that were prepared in December be made part of the record, and also the chart that I referred to on the safety record of the various agencies that was displayed before the committee be made part of the record.

Mr. VAN HOLLEN. Without objection, so ordered.

Mr. MICA. Thank you.

[The information referred to follows:]

U.S. House of Representatives
Committee on Transportation and Infrastructure

Minority Staff Analysis of Rail Transit Safety

Prepared for Ranking Republican Member John L. Mica
111th Congress
Committee on Transportation and Infrastructure
December 2009

Minority Staff Report
Committee on Transportation and Infrastructure
John L. Mica (FL-07), Ranking Member

Staff Analysis of
Rail Transit Safety

Table of Contents

I.	Executive Summary	1
II.	Rail Transit, Commuter Rail and Amtrak Safety Oversight	2
III	Transportation Safety Statistics	3
IV.	Obama Administration Transit Rail Safety Oversight Proposal	4
V.	Findings and Conclusion	5
VI.	Appendix 1 – Letter from Republican T&I Committee Members to FTA Administrator Rogoff	6
	Appendix 2 - Fatalities and Fatality Rate in 2008 by Rail Transit System	7

I. Executive Summary

Background

- Local rail public transit systems (subways, light rail, street cars) are overseen by State Safety Oversight Agencies.
- These systems have the highest and best safety performance levels. *(In 2008, rail transit had 1 death for every 66 million passengers)*
- Amtrak and commuter rail safety are overseen by the Federal Government (Federal Railroad Administration) and these two modes have a worse safety record than local rail transit systems. *(Commuter Rail had 1 death for every 5 million passengers; Amtrak had 1 death for every 241,000 passengers)*

Obama Administration Proposal

- The Obama Administration is proposing to expand Federal safety oversight and regulation to local rail transit systems.

Problem with the Obama Administration Proposal

- Amtrak and commuter railroads are subject to Federal safety oversight and they have a worse safety record than local rail transit systems.
- The proposal allows States to opt in or out of Federal safety oversight – there is no way to tell how big the Federal Transit safety staff and cost will grow.
- Some State Safety Oversight agencies lack the resources to hire highly trained technical personnel to monitor and maintain the safety of local transit systems.
- Some transit systems are not in a state of good repair, and have older train control technology, electrical equipment, and rail cars that need to be upgraded.

Recommendations

- Provide dedicated funding for State Safety Oversight Agencies.
- Reform the existing State Safety Oversight program to ensure that the state agencies are properly staffed and have the necessary authority to oversee the safety of local rail transit systems.
- Provide additional funding to local rail transit systems to upgrade safety equipment and technology, or ensure that transit agencies spend Federal funds on safety upgrades first.

II. Rail Transit, Commuter Rail, and Amtrak Safety Oversight

Rail Transit Safety Oversight

Fifty rail transit systems (subways, light rail, street cars, monorails, cable cars) in 27 different States carry 7 million people each day.

The Federal Transit Administration (FTA) provides grants to the transit agencies that operate these systems. However, FTA has always been statutorily prohibited from federally regulating transit operations, reflecting the long-held view that rail transit operations are an inherently local activity.

In lieu of federal regulation of local transit operations Congress created the State Safety Oversight (SSO) program in 1991. FTA's SSO program requires that each state with a rail transit system establish and carry out a rail transit safety program for each rail transit system in the State. The State must also designate an agency that will:

- oversee the implementation of the rail transit system's safety plan,
- investigate hazardous conditions and accidents on the rail transit system,
- require the transit agency take actions to correct or eliminate hazardous conditions

Commuter Rail and Amtrak Safety Oversight

Commuter rail operations – such as Virginia Railway Express and Metrolink in California -- often occur within the same right of way as freight rail operations and intercity passenger rail operations. As a result commuter rail operations are governed by safety regulations set forth by the Federal Railroad Administration (FRA). Amtrak and other passenger rail operations between cities also fall under the jurisdiction of the FRA.

FRA has the statutory authority to promulgate and enforce rail safety regulations. Most of the rail operations overseen by FRA cut across many state and local boundaries, necessitating a federal agency to ensure consistency across several state and local jurisdictions.

III. Transportation Safety Statistics

- Transit is the safest of the four major passenger transportation modes (transit, aviation, rail, highway).

- There were 227 transit-related deaths (excluding suicides) in 2008 resulting in 1 death for every 47.1 million passengers. *[Includes both rail transit and bus transit.]*

Transportation Fatalities by Mode										
	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Total Fatalities	44,084	44,384	44,941	45,297	45,101	44,985	45,565	44,974	43,032	38,853
Highway	41,717	41,945	42,196	43,005	42,884	42,836	43,510	42,708	41,259	37,261
Railroad	932	937	971	951	865	891	883	902	845	801
Air	681	764	1,166	616	699	637	603	771	535	564
Transit	**299**	**295**	**267**	**280**	**234**	**248**	**236**	**227**	**214**	**227**

*** Data provided by U.S. Department of Transportation**

- Rail transit systems (subways, light rail, street cars) – overseen by the State Safety Oversight programs – had only 59 fatalities in 2008.

- Commuter rail and Amtrak – regulated by FRA – had 230 fatalities in 2008.

- The fatality rate for rail transit systems in 2008 was 1 death in 65.9 million passengers.

- The fatality rate for commuter rail systems in 2008 was 1 death in 5.1 million passengers.

- The fatality rate for Amtrak in 2008 was 1 death in 241 thousand passengers.

Fatalities by Rail Transit, Commuter Rail, and Amtrak

Mode	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	Number of Passengers Carried in 2008	2008 Fatality Rate	Agency
Rail Transit (excluding suicides)	82	100	73	73	47	68	49	33	52	59	3,892,071,761	1 death in 65,967,317 passengers	FTA
Commuter Rail (excluding suicides)	62	74	102	94	63	71	75	63	88	111	564,674,834	1 death in 5,087,160 passengers	FRA
Amtrak (excluding suicides)	105	131	139	126	118	128	122	118	129	119	28,700,000	1 death in 241,176 passengers	FRA

*** Data provided by U.S. Department of Transportation**

IV. Obama Administration Proposal

Proposal – Rail Transit Safety Initiative

The Obama Proposal will be formally announced at Highways & Transit Subcommittee hearing on December 8, 2009 by Secretary LaHood. The proposal will –

- Require FTA to establish and enforce minimum Federal safety standards for rail transit systems not already regulated by the FRA.
- Eliminate the statutory prohibition against regulating transit operations
- Establish an "opt-in/opt-out" process for State Safety Oversight agencies

A State Safety Oversight agency that opts to retain its state transit safety responsibilities must demonstrate to FTA that the agency has:

- Adequate number of fully-trained staff to enforce Federal regulations;
- Sufficient authority at State level to compel compliance by transit systems; and
- Financial independence from transit systems the SSO regulates.

In all States where either the State agency has "opted out" of its responsibility for State safety oversight, or where the Secretary has found a State agency to be ineligible to "opt-in", **the FTA will enforce all Federal safety regulations**.

Impact of new proposal on FTA agency size and costs

- It is unclear what the costs will be of this expansion of FTA's authority.
- There is no way to estimate how many of the 26 of the current State Safety Oversight agencies will "opt-out", or will be found inadequate to the new Federal regulations.

V. Findings and Conclusions

Findings

Overall, transit is the safest mode of transportation for passenger travel, with 1 death in 47 million passenger trips. Rail transit is even safer, with 1 death for every 66 million trips.

Since the Federal transit program was created in 1964, the FTA has been prohibited from regulating transit operations because transit is an inherently local activity.

Transit has always been regulated at the State level by State Safety Oversight (SSO) agencies.

SSO agencies directly oversee the safety of rail transit systems by reviewing safety plans, inspecting the safety conditions of transit systems, investigating accidents, and requiring transit agencies to correct or eliminate hazardous conditions.

GAO has found that the State Safety Oversight program is generally very effective. However, some SSO agencies do not have adequate authority, staffing, or expertise to be as effective as they should be.

Conclusion

FTA is not a regulatory agency, it is a grant-making agency. The FTA should not become another Federal Railroad Administration, with hundreds of new federal inspectors and enforcement staff.

The Obama Administration's proposal will certainly lead to expansion of the FTA in size and cost, but there is no way to tell at this time how much bigger and more expensive.

In FY2009, Congress provided $10.4 billion to the FTA for federal transit grants. Some of this federal money should be used to help SSO agencies be effective State-level safety regulators. *(See Appendix 1, letter from Republican T&I Committee Members to FTA Administrator Rogoff)*

JOHN L. MICA
7TH DISTRICT, FLORIDA

Congress of the United States
House of Representatives
Washington, DC 20515–0907

July 14, 2009

The Honorable Peter Rogoff
Administrator
Federal Transit Administration
U.S. Department of Transportation
Washington, D.C. 20590

Dear Administrator Rogoff,

We understand that a Federal Transit Administration administrative policy prohibits transit agencies from using their federal grant funds to support expenses of the State Safety Office agencies that directly oversee the safety of transit systems.

According to a July 2006 Government Accountability Office report for the Transportation & Infrastructure Committee, these State Safety Offices are often inadequately funded and staffed. Transit is a very safe mode of transportation, and rail transit accidents are extremely rare. However, given last month's fatal accident on the Washington Metro system, the May 2008 fatal accident on the Boston Green Line trolley, and other infrequent but disturbing accidents on transit systems around the country, we feel it is important that these State Safety Offices be strengthened.

We strongly recommend that the Federal Transit Administration work with us to provide flexibility for transit agencies to utilize a percentage of their federal funds for State Safety Oversight agency support. We are also interested in any suggestions that the FTA has for improvements to safety on the nation's transit systems.

There were more than 10.7 billion transit trips in 2008. These riders deserve the highest possible level of safety. We look forward to working together with you to achieve this goal.

Sincerely,

JOHN L. MICA
Republican Leader
Committee on Transportation & Infrastructure

Appendix 2 – Fatalities and Fatality Rate in 2008 by Rail Transit System

Fatalities and Fatality Rate 2008 by Rail Transit System

Transit System Name	Mode	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2008 Passengers	2008 Fatality Rate
King County Department of Transportation	Light Rail	0	0	0	0	0	0	0	n/a	n/a	0	413,253	n/a
Tri-County Metropolitan Transportation District of Oregon	Light Rail	5	2	1	1	1	1	1	0	1	0	38,931,646	n/a
City of Seattle - Seattle Center Monorail Transit	Mono-rail	0	0	0	0	0	0	0	0	0	0	1,559,792	n/a
Central Puget Sound Regional Transit Authority	Light Rail	0	0	0	n/a	0	0	0	0	0	0	926,076	n/a
Massachusetts Bay Transportation Authority	Heavy Rail and Light Rail	0	5	3	7	2	1	5	2	0	2	222,429,875	1 death in 111,214,937 passengers
Niagara Frontier Transportation Authority	Light Rail	0	0	0	0	0	0	0	0	0	0	5,680,505	n/a
MTA New York City Transit	Heavy Rail	43	34	29	43	23	34	15	3	19	20	2,428,308,510	1 death in 121,415,425 passengers
Port Authority Transit Corporation	Heavy Rail	0	0	1	0	0	0	0	1	0	0	10,337,870	n/a
New Jersey Transit Corporation - Newark City Subway, HBLR, RiverLine	Light Rail	0	0	0	0	0	0	0	0	2	0	25,072,455	n/a
Staten Island Rapid Transit Operating Authority	Heavy Rail	1	0	2	0	0	0	0	0	0	0	n/a	n/a
Cambria County Transit Authority	Incline Plane	0	0	0	0	0	0	0	0	0	0	100,653	n/a
Southeastern Pennsylvania Transportation Authority	Heavy Rail and Light Rail	0	2	0	0	0	3	6	2	6	4	121,562,311	1 death in 30,390,577 passengers
Port Authority Trans-Hudson Corporation	Heavy Rail	0	2	1	0	0	0	0	0	0	0	n/a	n/a
Port Authority of Allegheny County	Incline Plane and Light Rail	0	0	0	0	0	0	0	0	0	0	7851475	n/a
Washington Metropolitan Area Transit Authority	Heavy Rail	2	0	3	2	4	2	3	4	0	2	288,039,725	1 death in 144,019,862 passengers
Maryland Transit Administration	Heavy Rail and Light Rail	0	4	5	3	0	0	0	0	1	0	21809865	n/a

Transit System Name	Mode	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2008 Passengers	2008 Fatality Rate
Chattanooga Area Regional Transportation Authority	Incline Plane	0	0	0	0	0	0	0	0	0	0	424,893	n/a
Memphis Area Transit Authority	Light Rail	0	0	0	0	0	0	0	0	0	0	1,014,777	n/a
Charlotte Area Transit System	Light Rail	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	0	2,262,631	n/a
Metropolitan Atlanta Rapid Transit Authority	Heavy Rail	2	6	2	1	0	1	2	1	0	1	82,984,033	1 death in 82,984,033 passengers
Miami-Dade Transit	Auto-mated Guide-way and Heavy Rail	2	0	0	0	0	2	1	1	1	3	27,377,897	1 death in 9,125,965 passengers
Jacksonville Transportation Authority	Auto-mated Guide-way	0	0	0	0	0	1	0	0	0	0	502,364	n/a
Hillsborough Area Regional Transit Authority	Light Rail	0	0	0	n/a	0	0	1	0	0	0	484,711	n/a
Puerto Rico Highway and Transportation Authority	Heavy Rail	n/a	n/a	n/a	n/a	n/a	n/a	0	0	0	0	8,699,611	n/a
Kenosha Transit	Light Rail	0	0	0	0	0	0	0	0	0	0	65,759	n/a
The Greater Cleveland Regional Transit Authority	Heavy Rail and Light Rail	0	1	1	0	0	2	0	2	1	0	10901239	n/a
Metro Transit	Light Rail	n/a	n/a	n/a	n/a	n/a	1	1	1	2	0	10,221,681	n/a
Chicago Transit Authority	Heavy Rail	7	6	7	3	5	2	4	4	6	11	198,137,245	1 death in 18,012,476 passengers
City of Detroit Department of Transportation	Light Rail	0	0	0	0	0	n/a	n/a	n/a	n/a	n/a		n/a
Detroit Transportation Corporation	Auto-mated Guide-way	0	0	0	0	0	0	0	0	0	0	2,315,395	n/a
Metropolitan Transit Authority of Harris County, Texas	Light Rail	n/a	n/a	n/a	n/a	n/a	0	1	0	0	0	11,800,912	n/a
Galveston Island Transit	Light Rail	0	0	0	0	0	0	0	0	n/a	n/a		n/a
New Orleans Regional Transit Authority	Light Rail	2	0	0	0	0	1	0	0	1	0	4,230,368	n/a
Central Arkansas Transit Authority	Light Rail	n/a	n/a	n/a	n/a	n/a	0	0	0	0	0	134,204	n/a
Dallas Area Rapid Transit	Light Rail	2	0	0	0	3	1	0	4	1	0	19,437,603	n/a
Bi-State Development Agency	Light Rail	0	4	0	0	0	0	0	0	0	0	19,696,094	n/a
Utah Transit Authority	Light Rail	0	1	2	2	0	1	0	0	1	0	14,752,512	n/a
Denver Regional Transportation District	Light Rail	0	4	0	0	0	0	1	1	0	0	20,635,133	n/a

Transit System Name	Mode	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2008 Passengers	2008 Fatality Rate
San Francisco Bay Area Rapid Transit District	Heavy Rail	0	4	3	5	1	3	0	0	0	3	83,686,697	1 death in 27,895,565 passengers
Santa Clara Valley Transportation Authority	Light Rail	2	1	2	2	2	0	0	0	1	2	10,451,136	1 death in 5,225,568 passengers
San Francisco Municipal Railway	Cable Car and Light Rail	1	2	5	1	1	1	1	1	3	3	57,737,925	1 death in 19,245,975 passengers
Sacramento Regional Transit District	Light Rail	2	0	1	1	1	1	0	0	0	1	15,484,670	1 death in 15,484,670 passengers
San Diego Metropolitan Transit System	Light Rail	3	4	3	0	2	2	5	0	2	3	37,620,944	1 death in 12,540,314 passengers
North County Transit District	Light Rail	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1	717,960	1 death in 717,960 passengers
Los Angeles County Metropolitan Transportation Authority	Heavy Rail and Light Rail	8	18	2	2	2	8	2	6	4	3	86,707,131	1 death in 28,902,377 passengers

Fatalities by Rail Transit, Commuter Rail, and Amtrak

Mode	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	Number of Passengers Carried in 2008	2008 Fatality Rate	Agency
Rail Transit (excluding suicides)	82	100	73	73	47	68	49	33	52	59	3,892,071,761	1 death in 65,967,317 passengers	FTA
Commuter Rail (excluding suicides)	62	74	102	94	63	71	75	63	88	111	564,674,834	1 death in 5,087,160 passengers	FRA
Amtrak (excluding suicides)	105	131	139	126	118	128	122	118	129	119	28,700,000	1 death in 241,176 passengers	FRA

* Data provided by U.S. Department of Transportation

Mr. ROGOFF. Could I just add one thing? This is not to create dissonance where there may be some harmony, but there are some data points. I think it is important, in considering the context of Mr. Mica's statistics, it is important to point out, thankfully, there are few enough fatal accidents in either of these modes that one accident skews the data rather dramatically, so that data did not take in the Metro accident. There are all kinds of ways on cutting this data, on whether you include right-of-way accidents or not.

We have some data that concerns us greatly, like a 65 percent increase in derailments.

Mr. VAN HOLLEN. I want you to be able to make that point, if you could make it——

Mr. ROGOFF. I will summarize it for the record.

Mr. VAN HOLLEN. That would be very helpful, just because we have other Members.

Mr. ROGOFF. Absolutely.

Mr. VAN HOLLEN. Mr. Connolly.

Mr. CONNOLLY. Thank you, Mr. Chairman, and thank you for your earlier kind remarks.

Thank you, Mr. Rogoff, for your testimony and for this very thoughtful audit, which I think is presented in direct language, easy to follow.

But let me just say that Metro is unique in the United States. It isn't like the other 26 transit systems around the country. It, as Ms. Norton pointed out, is governed by three jurisdictions, and it is funded essentially, operationally, in two ways: fare box recovery by users, the highest in the United States, so they are already paying more than their fair share; and, second, by subsidies by the local jurisdictions. My taxpayers in Fairfax County, Congressman Van Hollen's taxpayers in Montgomery County, and Eleanor Holmes Norton's taxpayers in D.C. Not a dime of Federal subsidies for operational purposes.

So if we are going to have expanded Federal oversight of safety or any other aspect of Metro, then the Federal Government has to be at the table with operational dollars. Mr. Mica is right. Otherwise, we have an unfunded mandate. We have the Federal Government setting new standards and putting on new burdens and new requirements, all of which may be good ideas, but not funding them.

Therein lies the problem with Metro, because for a long time, long before Mr. Rogoff got the job, the Federal Government has been retreating from its responsibilities with respect to transit in America, and especially with respect to this Metro.

We move 40 percent of the Federal work force every day. No other transit system in America does that. We bear the burden of 12 to 14 million American and other tourists coming to visit the Nation's Capital because we are the seat of the Federal Government. No other transit system in the United States does that. And local governments are expected to subsidize that through their subsidy programs. And so one of the things missing at the table is the Federal Government with operational dollars.

We finally made progress for the Federal Government providing capital dollars in a matching program, and that is great. That is real progress. But I feel very strongly that the Federal Government

can't have it both ways. If we are going to set new standards, if we are going to put new burdens, all of which may be justified, on Metro, then the Federal Government has to provide operating dollars, and I think it ought to anyhow because of the unique relationship with Metro.

I know that some might say we already provide operating subsidies in the form of smart subsidizing fares for Federal workers who use it. That is a subsidy for our work force. That is not a subsidy, that is not an operating subsidy for Metro, itself, because actually it serves our interests as the Federal Government to have those people using Metro every day, and we saw the importance of that relationship in the recent blizzard. When Metro could not function above ground, we had to shut down the Federal Government for 4½ days. So the relationship is vital, essential. There is no turning back, and we might as well recognize that relationship.

Mr. Rogoff, let me ask you, if I can, three questions. One, 21 thoughtful recommendations. What would it cost to implement those recommendations? Do you have a cost estimate?

Mr. ROGOFF. We would not, but I am glad you raised that issue, because I have to say that when you look deep down in some of those recommendations, issues like communication and parts of WMATA working at cross purposes, I do not believe that all of those recommendations are about money. I do not believe all of those solutions bear a cost. I think it is about focus. It is about how serious the safety challenge is taken by all lines of business and how Metro is organized.

Mr. CONNOLLY. But you have no cost estimate? I mean, certainly it is going to cost something.

Mr. ROGOFF. Some of the things may cost something in terms of, you know, we have asked the TOC to strengthen its personnel at the tri-state oversight. Obviously, that bears some salary costs for those additional personnel. But, again, I think a lot of the more immediate audit findings of what has troubled us on the safety performance at Metro are not cost issues, they are performance, organization, and focus issues.

Mr. CONNOLLY. Yes. I agree with some of that, but, I mean, I think it also involves dollars. Metro is starving for dollars in terms of operating costs and bumping up against limits in both subsidies and fare box recovery.

Let me ask you, if it is possible, to ask the agency to go back and look at this issue of——

Mr. ROGOFF. We are happy to look and see where we identify a specific cost for the response.

Mr. CONNOLLY. Good.

Second, governance structure. I have read with great interest some interesting editorials in a local newspaper about how parochial the governing structure is, the notion that Maryland, D.C., and Virginia have this odd and quixotic notion that elected officials from those jurisdictions are appointed, officials from those jurisdictions ought to actually have some say over how their local tax dollars are being used to subsidize Metro. Have you looked at the governance structure, and are there recommendations for how it might be improved, streamlined, or made more efficient?

Mr. ROGOFF. We did not as part of our audit specifically take on the issue of the governance structure. However, I will say this: we do have some concerns as it relates to the governance structure of the TOC, and the TOC sort of mirrors what is going on with the WMATA board, and that is that you have a rotating chairman that changes every year, and all three jurisdictions have to agree on everything.

I would say this: we do have concerns over what has sometimes been described as the mutually assured destruction single jurisdiction veto of the Metro board. It makes it very hard to make very difficult funding decisions.

You had mentioned in your opening remarks that Metro has very high fare box recovery. That is true on the rail side. It is not necessarily true on the bus side. And if we are going to address the overall budget on the whole, everything needs to be looked at.

Mr. CONNOLLY. Yes.

Thank you, Mr. Chairman. I know my time is up. I want to echo what Mr. Rogoff suggested. I also think we have to look at uniform strengthening of rail safety standards so that we are all working from the same book; that we can't have 27 different standards for 27 different systems. No wonder we have a problem.

I thank you. Thank you, Mr. Chairman.

Mr. VAN HOLLEN. Thank you.

Mr. Bilbray.

Mr. BILBRAY. Mr. Administrator, in all fairness to the Metro system, as a former transit operator, myself, the bus systems have never had fare box recovery that rail does.

Mr. ROGOFF. Absolutely.

Mr. BILBRAY. OK. We just want to clarify that.

Let me just say that I am going to dig into one little aspect, and I think it is more important to talk about this one aspect and see how the system is responding to that. How many systems do we have in this country right now that are automated operation with manual override?

Mr. ROGOFF. It is relatively few, and most of those are shorter segments that aren't city-wide systems. They are sometimes point to point. I would have to get you that for the record.

Mr. BILBRAY. When I came here in 1995, this sent up a red flag for me as a former operator, because in 1981, when we implemented our rail system, we were specifically told by experts that the system that was automatic with the manual override was worse than having no automation at all; that it was a warning that it was a system designed by an engineer sitting in an office, not designed by an operator who had actually had real-life experience. We specifically went to manual operated with an automated override, much like what you are proposing with the positive train operation.

My concern is: if we knew about it in 1980 that this problem came in—and, my colleagues, just think about this. You spend 8 hours a day doing nothing but waiting for something to happen, and you do that for years on end. When something happens, there is no way your response time is going to be quick enough to stop the situation.

When we talk about people texting, when we talk about them being on the phone, they are not doing anything because you have designed a system that was designed to design the operator out of the process, and then you want the operator to be in the process at a split second at a certain time. It is totally counter-intuitive to human nature. But we continue to operate systems like this.

Mr. ROGOFF. I would agree with you, sir, that the whole issue of operator engagement, fatigue, sleep apnea, and how we keep the operator engaged in their task is a very important area for not only research but a real, hard look by some of these agencies. It is a concern. And the NTSB has spoken to it also.

Mr. BILBRAY. Well, Mr. Administrator, you don't have to go very far. You go right down with the tram between here and the Capitol. You have an individual working a switch with an automated override in case they don't back that switch off. But at least when something is wrong the attention is there, the focus is there, and if there is a problem they will know very quickly.

I have just got to say that what worries me is where has the entire safety oversight in this country been since 1980 when those of us in the system knew that this whole assumption that some expert engineer who probably never drove a train in their life designed this perfect system that was designed to eliminate the operator, and then include the operator there for a false security that really doesn't work. How have we allowed that to happen over the last 20, 30 years?

Mr. ROGOFF. Well, I think you have correctly identified that, in the interest of trying to develop fail safe systems, they have tried to eliminate the risk posed by the human factor, and sometimes when you eliminate that human factor you also eliminate the attentiveness of that human. And this is an area that I know in our research and innovation office within DOT they are looking at on a mode-wide basis, and maybe we can have that administrator, Peter Ropell, come up and talk to you about what we are trying to find out there.

Mr. BILBRAY. OK. I think that what we did is we saw the human factor as being the weak link in the process and that technology was the answer all the time. But instead of taking the positives of both we took the negatives of both; that when an automated system fails there is no way for the operator to respond where, in fact, if we had put the operator at control with a backup of automation, that automation does not get fatigued, does not get in a pattern. Automation can respond in time.

We have literally allowed some nerd in a back room, because he has a Ph.D., to design a system that doesn't work in the real world. I worry about that, that in the Federal system our safety system didn't work in the real world because we didn't nip this and say up front to everybody what I was told as a young designer of a transit system: don't follow these guys down this road. This is a system that is not based in reality and it will kill people.

So I have to say, Mr. Chairman, when I saw the accidents here right on my first reaction was this is exactly, the system was designed to do this. These accidents were designed into the system, but somewhere down the way our process did not re-engineer the process and make them change to the positive.

Thank you. I appreciate it.

Mr. ROGOFF. I would just add I believe Jackie Jeter is testifying on the next panel. She represents the rail operators, and I think she would probably have more real life information to share with you on that than I can.

Mr. VAN HOLLEN. Thank you.

Mr. Cummings.

Mr. CUMMINGS. Thank you very much, Mr. Chairman.

This is a dysfunctional system, isn't it?

Mr. ROGOFF. It needs work urgently.

Mr. CUMMINGS. You know, as I listened to your testimony, it seems to me it is a wonder if we are able to get the kind of results we need at all, because it seems like the right hand doesn't know what the head or the left hand is doing. Is that a fair description?

Mr. ROGOFF. I would make this observation: when I had a sit-down, we have a great deal of concern about our audit specifically focuses on the lack of communication between the safety department and other departments. In conversations with Metro leadership, that communication problem is not limited to the safety department.

Mr. CUMMINGS. Yes.

Mr. ROGOFF. There are other right hands and left hands that aren't talking, and that is a very big problem, especially given the intensity of service that this system has to turn out every day.

Mr. CUMMINGS. And what do you think that is all about? You heard Mr. Mica, and I sit on the Transportation Committee also, and you heard Mr. Mica's opposition to the bill. Let us assume for the moment that the bill is not going to get through any time soon, although I would like to think otherwise, but I also want to be realistic. I am trying to figure out, of the 21 recommendations, you said that not all of them cost money, which I agree. I mean, I am just trying to figure out how do we get to where you have to go, where you are trying to get us. Let us assume the legislation doesn't pass. How do we get there?

Mr. ROGOFF. Well, I think, importantly and sadly, you have a lot more focus on this problem after an accident than obviously you did beforehand, so I would like to, because I want to be an optimist on these things, represent that the local jurisdictions and the Tri-State Oversight Committee, even with its extraordinary limited authority, will be able to turn things around, as I think Peter Benjamin and Rich Sarles have committed publicly to doing.

As I said, as a daily rider of this system, the thing that spooks me most are these communication issues, these stovepipe issues, and something that isn't in our audit but I have now heard from enough people that I feel comfortable voicing it here, and that is that there is some real bad blood and hostility between some operating departments. That is a very, very dangerous environment in which to be running a rail and bus operation.

So I think an important focus of what needs to get us where we are going is new Metro management needs to identify that for what it is, pierce through it, and if people all up and down the chain still want to voice hostility and not work together as a team, then maybe they should go find their new team somewhere else and

bring in people that are prepared to work as a team to focus on the problem.

Mr. CUMMINGS. Do you realize what a sad commentary you just made? Do you realize how sad that is?

Mr. ROGOFF. I do, sir, but the audit speaks for itself. These are not light-hearted findings.

Mr. CUMMINGS. It is chilling. So basically what we are talking about are, aside from all the things that you have dealt with in your audit, you are also talking about probably a morale issue?

Mr. ROGOFF. Clearly.

Mr. CUMMINGS. And something in a leadership issue. And I am not saying present leadership, because I know it is new and all that, but—and it is so sad that we would—you know, you can have all the rules and the regulations you want, but if you don't have people who are committed to the mission, because I think when you are committed to the mission, a lot of that small stuff——

Mr. ROGOFF. Falls away.

Mr. CUMMINGS [continuing]. And sweating it goes away. It is sad. It is really sad.

So you are saying you almost have to start from scratch?

Mr. ROGOFF. I think you need to start from the top, the bottom, and the middle. Let me just give you an example. I think you put your—you kind of hit the nail on the head when you talk about morale and what is it that the workers see when they report a safety concern up the chain. Does anything ever come back?

When we talk about establishing safety management systems, not just at WMATA but in every rail transit system through our legislation, it is about having an environment where every set of eyes and ears at the transit agency is focused on safety and is reporting issues up, and there are people who are analyzing that information and finding out where the safety vulnerabilities are and addressing them first.

But if you have been working on the right-of-way for a dozen years, and in the last 3 years every concern you raised doesn't get an answer—in some cases it is even worse, because in some cases the transit agency addresses their problem but doesn't tell you that they have addressed the problem, so you don't even know that they have addressed it, and it turns into a real morale buster in terms of, if middle management and senior management isn't caring about safety, why should I.

Mr. CUMMINGS. This last thing, Mr. Chairman. And then it becomes like a cancer.

Mr. ROGOFF. Absolutely.

Mr. CUMMINGS. Because new people come in and say, Why are you working so hard.

Mr. ROGOFF. Yes.

Mr. CUMMINGS. And so you have a problem, and the people suffer.

Thank you, Mr. Chairman.

Mr. VAN HOLLEN. Thank you.

Mr. Rogoff, I just think, in response to Mr. Cummings, you referred to bad blood between some of the different groups at WMATA, and before we bring up the last panel, I think it is in the interest of the public record that you elaborate just briefly. I think

we would all benefit. And I think WMATA would benefit, because this is a very important issue that was brought up. So if you could just briefly elaborate so that the witnesses——

Mr. ROGOFF. I will elaborate a little bit, but out of fairness I need to say that these observations that have been made to me have been anecdotal, and that is, especially when it comes to these issues of right-of-way safety, you have different workers working in different crafts.

Really, a common rule of thumb when you have people working on the right-of-way with moving trains is everyone has to get a comprehensive safety briefing and know where everyone is at all times. And the observation has been made to me—again, anecdotally—that folks are not making that extra effort. It really shouldn't be an extra effort; it should be a fundamental effort. And that is for lack of caring between departments as to who is on the right-of-way crew versus who the operators are. It is a concern that is the most critical safety example, but I think that there are other examples.

Let me give you one that was in our audit. When the safety department has come around to other operating departments and said, we need to audit your safety department, they have had their own authority questioned. Why do we need the safety audit? What do you know about it? That is a kind of form of dysfunctionality that can't be allowed to persist.

Mr. BILBRAY. If I can just interject, there is another aspect here we don't even talk about, and that is getting the policymakers before construction to be looking at the safety. The policymakers, when you are talking about doing alignment—a good example is alignment. Let's talk about the Metro when it goes over through Alexandria. How many times when a policymaker on the board decides to go with an engineering that is an elevated platform are they informed and sensitized to the fact of the increased risk of maintenance on elevated platforms as opposed to ground-level or underground?

That kind of thing needs to be interjected not just when you are doing operation, but when you are designing the program, when you are deciding right-of-ways. All of this needs to be front-loaded so you are not trying to make do afterwards.

Mr. ROGOFF. Mr. Bilbray, we completely agree. And, indeed, our current regulations ask the States to set up, where you are introducing a rail transit system in a State for the first time, we ask the States to establish their State safety office so they can be in conversation with the designers of the system, rather than just come in on the first day of operation.

I will tell you, because of our limited authority, we have sometimes had to really pull some teeth to get the Governors to stand up to that responsibility.

Mr. BILBRAY. And I want to point out it is even to the point of alignments, because sometimes alignments require certain type of construction that is not as safe as others, so it needs to be a consideration right from the get-go, before you even decide where the line is going to go.

Mr. VAN HOLLEN. Thank you. Thank you for your testimony, Mr. Rogoff.

Mr. ROGOFF. Thank you, sir.

Mr. VAN HOLLEN. Now we are going to bring up the next panel: Mr. Sarles, Mr. Benjamin, Mr. Bassett, Ms. Jeter, and Mr. Alpert.

I want to welcome all of our witnesses on our second panel. On this panel we have Mr. Richard Sarles, who is the interim General Manager of Metro, who was appointed by the Board of Directors and began his duties March 29th of this year.

Welcome, Mr. Sarles.

We have Mr. Peter Benjamin, who is the chairman of the Metro Board of Directors and a member of that board since 2007.

Welcome, Mr. Benjamin.

Mr. Matt Bassett, who is the chairman of the Tri-State Oversight Committee of Metro [TOC].

Ms. Jeter, Ms. Jackie Jeter, who is the president of the Amalgamated Transit Union Local 689. Welcome.

And Mr. David Alpert, who is the vice chairman of the Metro Rider Advisory Council.

Thank you all for appearing before the committee today. As you heard from the first panel, it is the custom of this committee to swear in the witnesses. If you could please all stand and raise your right hands as I administer the oath.

[Witnesses sworn.]

Mr. VAN HOLLEN. Let the record reflect that all witnesses answered in the affirmative.

At this time, each of you will have 5 minutes to deliver your oral statement. As you heard, the yellow light means you have 1 minute remaining. The red light means stop.

Mr. Sarles, as you begin your testimony, let me just congratulate you on your new assignment. Obviously, you are coming into a very, very tough situation, but we are all, I think, looking forward to working with you to make sure that the Washington Metro system is as safe and as reliable and as efficient as possible.

With that, if you could please begin.

STATEMENTS OF RICHARD SARLES, METRO INTERIM GENERAL MANAGER, WMATA; PETER BENJAMIN, CHAIRMAN METRO BOARD OF DIRECTORS, WMATA; MATT BASSETT, CHAIR, TRI-STATE OVERSIGHT COMMITTEE; JACKIE JETER, PRESIDENT, AMALGAMATED TRANSIT UNION LOCAL 689; AND DAVID ALPERT, VICE-CHAIR, METRO RIDER ADVISORY COUNSEL

STATEMENT OF RICHARD SARLES

Mr. SARLES. Thank you very much, Mr. Chairman, Ranking Member Bilbray, and members of the committee. Thank you for the opportunity to testify today.

I am Richard Sarles, general manager of Washington Metropolitan Area Transit Authority [WMATA or Metro]. I became Metro's general manager less than a month ago. In my first few weeks here I have met with employees, customers, and other stakeholders, and have reviewed the findings of oversight agencies.

Based upon those meetings and findings, we have drafted a 6-month action plan to move Metro forward, addressing our greatest challenges, which I see as safety, service reliability, and budget.

Let me begin with safety. We have taken a number of actions in recent months to improve safety, including, for example, hiring a new chief safety officer and adding 12 new positions to our safety department. We now have safety officers assigned to each bus and rail division to improve communications between safety and operational personnel. And we are working hard to improve the safety of our track workers. We established a working group which includes several Metro departments, as well as union representatives and others. That group is creating a new roadway worker protection manual and developing a new roadway worker training plan.

While we have made progress with regard to safety, we still have work to do. We have established the following six safety-related priorities for the next 6 months: One is to fill the remaining safety department vacancies and increase training.

Two, continue to accelerate close-out of open safety-related audit findings. Let me say here that I am particularly focused on responding to the recommendations in the FTA audit. Our action plan is attached to my written testimony.

Three, develop an incident tracking and safety management reporting system.

Four, encourage near-miss reporting, including publicizing our anonymous employee safety hotline and strengthening whistleblower protection.

Five, complete a new right-of-way worker protection manual and revisions to the Metro rail safety rules and procedures handbook.

Six, complete a self-assessment of safety-related internal controls and initiate a thorough assessment of safety culture.

Turning to the reliability of our service, I think it is fair to say that the quality our customers experience is the key to the continued success of our system. We are taking steps to improve the on-time performance of all our modes, as well as the availability of our elevators and escalators. Still, we can do better.

We have established the following six priorities for improving service reliability over the next 6 months: One, increased training for front-line employees and supervisors.

Two, create transparent performance tracking and reporting systems.

Three, revise inspection and maintenance procedures to reflect changes in operations.

Four, compile a new schedule adjustment on the Red Line. This new schedule will allow for more time for customers to board trains at our busiest stations and will involve more A-car trains running to the ends of the line.

Five, initiate an external assessment of elevator/escalator maintenance and repair programs.

Six, continually re-emphasize safety and state of repairs top priorities. Maintenance of vehicles, tracks, structures, signals, and other infrastructure in a good state of repair has a direct impact on the safety and reliability of the Metro operation.

The most effective action we can take to improve reliability is to improve the physical condition of our system. This leads me to a topic which has a direct effect on our ability to improve service reliability, Metro's budget.

Fiscal year 2011 is likely the most difficult year financially speaking that Metro has ever had to face. The economic slow-down means that ridership and revenue are down, while costs have continued to rise. This imbalance created a $189 million gap in our fiscal year 2011 operating budget.

Tomorrow the Metro board will begin considering how to close the budget gap. Without knowing what they will decide, it is fair to say that balancing Metro's budget will require hard choices. The economic downturn has affected everyone in this Nation, and, unfortunately, Metro is not immune.

National economic conditions will have an impact on our capital budget, as well. Funding constraints require Metro to limit our capital program for the next 6 years to only the most critical, must-do projects such as replacement of our oldest rail cars and buses. We will not be able to make other improvements to our service, such as running additional A-car trains.

Over the next 6 months, we intend to accomplish the following objectives related to Metro's budget: One, educate policymakers, customers, and members of the public about their role in funding Metro.

Two, implement the board-approved 2011 budget.

Three, manage the transition of our next 6-year capital program currently being developed, including responding to any recommendations in the final NTSB report on the June accident.

Four, initiate a discussion with regional and Federal stakeholders on Metro's long-term fiscal outlook to identify both challenges and solutions.

The basic challenge is this: the Metro system must be brought into a state of good repair. Unless there is renewed commitment to this goal, the system will continue to degrade.

Mr. Chairman, 6 months from now I intend to deliver an interim performance assessment report to Metro's board, but we do not have to wait until then to track our progress. We are developing products that will allow the public to see how we are doing. We expect to launch the first of those monthly vital signs reports shortly. We are committed to improving transparency and communication with our customers and other stakeholders, including Congress.

Thank you for the opportunity to testify today. I will be glad to answer any questions.

[The prepared statement of Mr. Sarles follows:]

"The Washington Metro System:
Safety, Service and Stability"

Testimony of
Richard Sarles
General Manager
Washington Metropolitan Area Transit Authority

Before the
U.S. House of Representatives
Committee on Oversight and Government Reform

April 21, 2010
10:00 a.m.
Hearing Room 2154
Rayburn House Office Building

Testimony of Richard Sarles, General Manager
Washington Metropolitan Area Transit Authority
before the Committee on Oversight and Government Reform
U.S. House of Representatives
April 21, 2010

Mr. Chairman, Ranking Member Issa, and members of the Committee, thank you for the opportunity to testify before you today. I am Richard Sarles, General Manager of the Washington Metropolitan Area Transit Authority, known as WMATA or Metro.

I began my service as Metro's General Manager less than one month ago. My career in rail and public transportation has spanned 40 years, during which time I worked with the Port Authority of New York and New Jersey, Amtrak, and most recently, New Jersey Transit. My career choice was influenced by the fact that I grew up in a family without a car, so I used public transportation for everything through my college years.

I have used the Metro system many times, and have always been impressed by Metro's services and how well they are delivered. But Metro is no longer new, and with an aging system come certain challenges, many of which have been illuminated over the course of the last year. In my first few weeks at Metro, I have met with employees, customers, elected officials, and representatives of oversight agencies and reviewed the findings of oversight agencies. Based upon those meetings and findings, we have drafted a six-month action plan to move Metro forward in addressing

our greatest challenges, which I see as: safety, service reliability, and budget. These are the fundamental areas we will focus on while I am here, and I will address each of them in my testimony today.

Background

I know that many members of this Committee are very familiar with Metro and our unique relationship to the federal government, so I will provide just a short overview of the system for those members who may be new to the Committee.

The Metro system is the product of a partnership between the federal government and the jurisdictions in the National Capital Region. President Johnson's comment in a 1965 letter to Congress encapsulates the reason for this partnership:

> *The problem of mass transportation in the Washington area is critical. It is also a problem in which the federal government has a unique interest and responsibility... improved transportation in this area is essential for the continued and effective performance of the functions of the government of the United States, for the welfare of the District of Columbia, [and] for the orderly growth and development of the National Capital region.*

WMATA was created in 1967 through an Interstate Compact between the Commonwealth of Virginia, the State of Maryland, and the District of Columbia, and

approved by the U.S. Congress. Metro is now the largest public transit provider in the Washington, D.C. metropolitan area and the second largest subway, sixth largest bus system, and the eighth largest paratransit system nationally. Sometimes known as "America's Transit System," Metro serves a population of over 3.5 million within a 1,500 square-mile area, as well as visitors to our nation's capital from across the country and around the world.

Not only is the Metro system critical to the economic vitality of this region, it continues to serve the federal government, as it was built to do. Half of all Metrorail stations are located at federal facilities, and 40 percent of peak ridership consists of federal employees. In fact, ten percent of Metro's ridership is from Metrorail stations that serve the U.S. Congress and the Pentagon. It is not surprising that in 2005, a "Blue Ribbon" report found that the federal government, the region's largest employer, is the "largest single beneficiary" of Metro.

Safety

As the Committee is aware, this region experienced an unprecedented tragedy on June 22 of last year, when two Metrorail trains collided on the Red Line north of the Fort Totten station. Nine people lost their lives and dozens of others were injured in an accident that has had ripple effects throughout the transit industry. The National Transportation Safety Board's (NTSB) investigation of the accident has focused on technological issues, not human error, as the key factor leading to the collision, and as a result, transit and rail providers across the country have been re-examining their

track signaling systems for signs of the same potential failure that caused the June 22 accident.

The NTSB's final report on the accident has not yet been issued, but Metro has already taken steps to improve safety on the rail system. We have been operating trains in manual mode since the accident, which will continue until the NTSB report is issued and any necessary repairs are completed. We have increased the frequency of computerized testing of track circuits, and we are holding the performance of those circuits to a higher standard than previously required. In addition, as recommended by the NTSB, we are working with a contractor to develop a real-time monitoring system which will provide an alert should a track circuit fail.

In addition to the June 22 accident, Metro has experienced a number of other incidents over the past year that require us to re-assess the way that we go about ensuring the safety of our customers and employees. Our internal assessments and findings regarding safety have been supplemented by external agencies' reports. In March 2010 the Federal Transit Administration issued ten recommendations to Metro, which focused on hazard analysis, internal communications and reporting, and implementation of our System Safety Program Plan. Also in March, Metro's Board of Directors received an oral report from former General Manager David Gunn, which assessed Metro's safety, financial situation, organization and management, and governance structure. In December 2009, the Tri-State Oversight Committee (TOC), the federally recognized state safety oversight agency for Metrorail, issued a report

entitled, "Rail Transit Special Safety Study – Roadway Worker Protection," which included eighteen recommendations related to Metro's training and procedures for workers on the tracks and in the track area. As I have mentioned, we are still awaiting the final report from the NTSB on the June 22 accident as well as reports on the November rail car collision at West Falls Church rail yard, the January 2010 track worker fatalities near Rockville station, and the February 2010 derailment near Farragut North.

These external reports have been and will be critically important in helping Metro identify where we need to improve with regard to safety. We have taken a number of actions in recent months to address their findings. The following are some of the key actions Metro has taken to improve safety in the areas of staffing, communications, track worker protection, and rail operations.

Staffing

The FTA audit and other assessments have identified lack of sufficient safety staff and expertise as an issue at Metro. To address that issue, Metro has hired a new Chief Safety Officer, James Dougherty, who began his duties on April 19. Mr. Dougherty brings 25 years of experience in transit safety, occupational safety and health, industrial hygiene and environmental protection, and he will report directly to me. In addition, we have filled six of 12 new positions in the safety department, and we expect to fill the remaining vacancies within 60 days. These new positions will help us to effectively investigate incidents/accidents, review and document safety policies

and procedures, ensure safety protocols are in place and implemented, and analyze safety trends. We are also arranging for needed training for our safety personnel with the Transportation Safety Institute, an arm of the U.S. Department of Transportation.

Communications

Lack of communications across and within departments has also been cited in various reports as a problem at Metro. We have recently begun several new communications initiatives. For example, to improve communication between the Safety Department and operational personnel, we now have safety officers assigned to each bus and rail division. These safety officers participate in regular meetings of the front-line staff in their division, as well as interacting on a daily basis with operations employees on safety-related matters.

In addition, my predecessor held six "Safety Action Report Out" meetings with 60 front-line superintendants to increase their awareness and accountability regarding safety. I intend to continue those meetings on a regular basis. We have also established a cross-departmental Safety Action Team tasked with finding ways to create a safer organization. The Team's first initiative is designed to further improve communications with front-line employees to ensure that safety-related information, as well as other messages, reaches all employees regardless of their work location.

Track Worker Protection

Employees who work on and around our track areas are exposed to dangerous situations each day they come to work. Protection of these workers must be robust and effective. Metro is committed to improving our current practices and has established a cross-departmental Roadway Worker Protection Work Group which includes representatives from several Metro departments, union representatives, and representatives from FTA and TOC. This group is creating a new roadway worker protection manual, developing a new roadway worker training plan, and will also test and evaluate new technologies and processes for use in the Metro system; these activities are expected to be complete by the Fall of 2010.

Metro's track environment shares certain characteristics with other transit and rail systems, and we have reached out to our peers to learn from them and share best practices. Metro conducted a workshop in January with peer transit agencies, FTA, TOC, and union representatives, and convened a roundtable discussion in April with the Federal Railroad Administration and inter-city rail operators. The results of these discussions will be reflected in the new manual and training regimen being developed by the Roadway Worker Protection Work Group.

Rail Operations

In addition to the operational changes implemented in response to the June 22 accident, discussed above, Metro is continuing to respond to earlier NTSB recommendations. We expect to award a contract in the near future to begin building

the cars to replace our oldest vehicles, the 1000 series cars, as the NTSB has recommended. In addition, we are continuing to add rollback protection for rail cars operating in manual mode, another NTSB recommendation. By the end of calendar year 2010, more than 800 of our cars will have such protection, and we are working to install it on the remaining 300 cars in our fleet with completion anticipated by the end of calendar year 2012.

Six-month Action Plan – Safety

While we have made progress with regard to safety, we still have work to do. We have established the following safety-related priorities for the next six months:

- **Fill remaining safety department vacancies and increase training.** Specifically, we must continue to have front-line safety briefings while we develop more effective right-of-way training and identify other needed training for front-line staff. In addition, we have begun labor relations training for supervisors of represented employees, re-emphasizing the supervisors' role in safety; we intend to complete that training by the end of 2010.
- **Continue accelerated close-out of open safety-related audit findings.** With the approval of the TOC, Metro develops corrective action plans (CAPs) in response to findings from both external and internal audits and investigations. Metro has closed 190 CAPs since 2007, with the rate of closure increasing significantly in recent months. Currently 91 CAPs remain open (including CAPs that were recently added in response to the TOC's Roadway Worker Protection study and internal safety audits). I have communicated to Metro staff that

continuing to close CAPs promptly is a top priority. I am particularly focused on responding to the recommendations in the FTA audit; we have established a CAP for each of the ten recommendations, with expected completion within the next six months. (Please see attachment #1 for details.)

- **Develop incident tracking and safety management reporting system.** We are taking advantage of improvements in technology to develop a web-based tool to allow for communication of safety-related information and tracking across departments. Development is expected to be complete by the end of August 2010.
- **Encourage near-miss reporting, including anonymous hotline and strengthened whistleblower protection.** David Gunn's report cited Metro for having a "shoot-the-messenger" culture. I am taking steps to end that perception. Last week, I informed all employees of the existence of a safety hotline and safety email address through which they can report safety concerns, anonymously if desired. In addition, tomorrow the Metro Board is expected to approve a resolution to update Metro's whistleblower protection policy to encourage employees to raise safety-related concerns.
- **Complete new right-of-way worker protection manual and revisions to Metrorail Safety Rules and Procedures Handbook (MSRPH).** When rules are outdated or unclear, they tend to be ignored. During the next six months we intend to complete work on a new set of rules for right-of-way workers as well as an updated MSRPH, with rules and procedures that are clear, up-to-date, and effective.

- **Complete self-assessment of safety-related internal controls and initiate thorough assessment of safety culture.** We intend to complete further self-assessments in safety-related areas, the first of which is focused on internal controls. In addition, we have contacted the U.S. Department of Transportation, the AFL-CIO, and the American Public Transportation Association to seek their assistance in assembling a team of experts not only to review Metro's safety culture, but also to recommend specific measures to improve that culture and to provide assistance in implementing those recommendations. We intend to initiate this review within the next six months, while recognizing that organizational culture change is a long-term process.

Service Reliability

According to the *Washington Post*, "most riders give the [Metro] system high marks for comfort, reliability and generally the ability to take them where they want to go." ("In Survey, Metro Still Gets High Marks after a Year of Low Points," April 5, 2010). Still, we know that we need to do better. The quality of our customers' experience is the key to the continued success of our system. We are taking steps to improve the on-time performance of all of our modes -- Metrorail, Metrobus, and MetroAccess -- as well as the availability of our elevators and escalators which have a very direct impact on the quality of our customers' trips.

For Metrorail, we have evaluated ways of improving service reliability through schedule adjustments and are preparing to implement the first adjustment on the Red

Line. We have also implemented revised 30-, 60-, and 90-day training performance reviews for newly certified train operators to ensure that they are meeting our standards for safe operations and customer service and to provide us with an on-going source of review regarding the effectiveness of our training programs.

For Metrobus, we are in the process of replacing 148 older buses, with deliveries between March and September 2010. With newer vehicles we expect fewer equipment failures, leading to improved service delivery. We have also reorganized our bus transportation division, retrained operators and supervisors, and increased supervision of street operations to better monitor and address service reliability issues. We have implemented NextBus, which provides customers with real-time bus arrival information by phone or online, and have created a new on-line service disruption notification for bus customers. For MetroAccess drivers, we have developed a pilot training program conducted by classroom instructors utilizing techniques for adult learners and interactive video to achieve training consistency and improve performance.

With regard to vertical transportation (i.e. elevators and escalators), we are consolidating our command and maintenance centers to eliminate reporting layers and improve accountability, a process which we expect to have fully implemented by the end of June 2010. Also by June, we intend to have restructured our technicians' shifts to create rapid response teams with responsibility for maintenance and repair of vertical transportation in defined geographic areas.

Six-month Action Plan – Service Reliability

I have established the following priorities for the next six months:

- **Increase training for front-line employees and supervisors.** Specifically, we intend to provide additional training to all station managers with a renewed emphasis on customer service, as well as complete training that we have already begun related to the reorganization of our bus department, designed to improve management of operators, reduce accidents, and improve service.
- **Create transparent performance tracking & reporting systems.** New performance measurement tools are currently under development, including web-based dashboards, a monthly vital signs report of key performance indicators, and an annual performance report to assess what is working well, what is not, and why. By the end of June 2010 we expect to release many of these new tools publicly to foster increased accountability and transparency.
- **Revise inspection and maintenance procedures to accommodate changes in operations**. As in the area of safety, our rules and procedures for inspections and maintenance need to be clear and relevant for our current operating environment. With changes in place related to manual operation and restricted speeds, our new vertical transportation command center, etc., we must start revising our related procedures accordingly.
- **Pilot Metrorail schedule adjustment on Red Line.** As I mentioned earlier, we intend to adjust schedules on the Red Line to improve service reliability and the quality of the customers' experience. The new schedules will reflect reality and

allow for more time for customers to board and alight the trains at our busiest stations, and will involve more 8-car trains running to the ends of the line, which will maintain our passenger throughput capacity for the Red Line as a whole.

- **Initiate external assessment of elevator/escalator maintenance and repair programs.** We intend to contract with outside experts to conduct a review of these programs in order to assess their efficiency and effectiveness and make recommendations for additional improvements.
- **Continually re-emphasize safety and state of good repair as top priorities.** Maintenance of vehicles, track, structures, signals, and other infrastructure in a state of good repair has a direct impact on the safety and reliability of the Metro system, as it does for every transit agency in the country. If the condition of the Metro system is allowed to degenerate further, issues related to service reliability will continue to increase. The most effective action we can take to improve reliability is to improve the physical condition of our system.

Budget

Now let me turn to a topic which is integrally related to our ability to improve service reliability – Metro's budget and current funding constraints. Chairman Benjamin's testimony provides some background on Metro's funding sources and outlines some of the challenges that we face over the long-term. I would like to focus this part of my testimony on the specific fiscal challenge facing Metro in the upcoming fiscal year, which begins July 1, 2010.

Metro's proposed fiscal year 2011 budget totals $2.1 billion. That total is composed of Metro's operating budget, which supports the daily delivery of transit service (including personnel costs, fuel and propulsion costs, etc.), and the capital budget, which funds investments in the vehicles, equipment, facilities, and infrastructure of the transit system. Sources of funding for those needs include state and local funds; federal funds (primarily for capital costs); passenger fares and parking revenues, and other sources (such as advertising and fiber optic revenue). Passenger fares cover about half of the cost of Metro's operations; broken out by mode, they cover more than 70% of Metrorail operations, about 30% of Metrobus operations, and 5% of MetroAccess operations.

OPERATING BUDGET

Fiscal year 2011 is likely the most difficult year, financially speaking, that Metro has ever had to face. The economic slowdown is having a continued impact on Metro, as it is across the country. For the transit industry as a whole, the economic slowdown has meant that ridership and revenue are down, while costs continue to go up.

For Metro, the austere economic times are a major contributor to the projected 8% decline in revenues from fiscal year 2010 to fiscal year 2011, if no fare increase is implemented. Despite the encouraging ridership numbers that Metro has experienced in the last few weeks, Metrorail ridership for fiscal year 2011 is projected to be just 2% above the FY 2009 levels, and on Metrobus, ridership growth over 2009 levels is only

projected to be 1.5%. These projections are primarily due to continued high unemployment in the region combined with reduced spending by consumers. Lower Metrorail ridership has resulted in less revenue coming in from Metro parking facilities as well.

In fiscal year 2011, Metro's proposed budget would include growth in expenses of 3%, assuming full implementation of proposed cost-reducing measures (without such measures, Metro's expenses would increase by 8.3%). Major cost drivers include the rise in health care cost (which is in line with national trends), market losses in pension values, the increasing demand for MetroAccess service, and liability insurance and claims associated with the June 22 accident.

Although expenses are increasing significantly in some areas, other costs are being held flat or nearly flat. For example, Metro has managed to contain costs for fuel and electricity, supplies, and utilities through an energy "swap" program, which locks in lower pricing for diesel fuel and electricity for months at a time. In addition, over the last three years Metro has cut its administrative budget substantially, including the elimination of more than 600 positions.

The imbalance between projected revenues and expenses has created a $189 million gap in our fiscal year 2011 operating budget, if jurisdictional subsidies (which cover about half of our operating costs) are held constant at FY2010 levels. In order to close that gap, Metro's proposed budget includes further layoffs, fare increases, and

service reductions. Metro held six public hearings around the region from March 22 through April 1, 2010, at which 1,842 people either testified or provided written comments on those proposals. We also received 3,633 completed on-line questionnaires. Overall, the message that we got from the public was: do not cut service; get a larger contribution from the federal government and the local governments; and raise fares if you have to.

Tomorrow, the Board will begin considering how to close the budget gap. Without knowing what they will decide, it is fair to say that balancing Metro's FY2011 budget will require hard choices. As we clearly heard at the public hearings, when we raise fares or reduce service, we have a direct impact on the people we serve every day, on their ability to get to jobs, school, medical services, and recreational opportunities. The economic downturn has affected everyone in this nation, and unfortunately Metro is not immune.

CAPITAL PROGRAM

Over the last six years, Metro has funded its capital program through a multi-year agreement with our jurisdictional partners, known as Metro Matters, which expires June 30, 2010. The stable funding stream provided by Metro Matters allowed us to, among other things, purchase 667 new Metrobuses to reduce the age of our fleet from over 10 years to under 8 years; and purchase 122 Metrorail cars, expand rail yard maintenance and storage facilities, and upgrade power systems to run 8-car trains.

Metro is currently working with our jurisdictional partners to negotiate a funding framework to succeed Metro Matters. That funding framework is intended to help Metro address some portion of the more than $11 billion in capital needs that we have identified over the next ten years. The sources of funding anticipated to be reflected in the agreement include federal formula funds provided by any extension or successor legislation to the Safe, Accountable, Flexible, Efficient Surface Transportation Act: A Legacy for Users (SAFETEA-LU); federal dedicated funding appropriated pursuant to the Passenger Rail Investment and Improvement Act of 2008; state and local match for those federal funds; and additional state and local contributions.

However, due in part to national economic conditions and in part to declining revenues in the federal Highway Trust Fund, both federal and state/local sources of funding for capital projects are severely constrained. These constraints have required Metro to limit our capital investment for the next six years to only the most critical, "must-do" safety and system maintenance projects, even with the new dedicated funding authorization. "Must-do" projects include, for example, replacement of the 1000 series rail cars; replacement of our oldest buses; rehabilitation of the oldest segment of our rail line, and replacement and/or rehabilitation of decades-old bus facilities. "Must do" projects do not include other investments that should be made, such as investments to address crowding (more frequent bus service; more 8-car trains); more elevators/escalators in core stations; and system and fleet expansion to accommodate projected growth in demand over the next several decades.

Six-month Action Plan – Budget

Over the next six months, we intend to accomplish the following objectives related to Metro's budget:

- **Educate policymakers, customers, and members of the public about their role in funding Metro.** In order to begin the type of regional conversation that I believe must take place about Metro's financial future, we must ensure that everyone shares a common understanding of how Metro is funded. For example, a common misperception is that Metro makes a profit on its operations. I can assure you, it does not, nor does any other U.S. transit system that I am aware of.
- **Implement Board-approved FY2011 budget.** As I have discussed, the budget will include job cuts and likely some combination of fare increases and service reductions in order to fill the $189M projected gap. Successful implementation of such changes will require timely and effective customer communication as well as operational changes such as reprogramming of farecard readers.
- **Manage transition from Metro Matters capital funding agreement to next capital funding agreement, currently being negotiated.** I want to note that the National Transportation Safety Board is expected to issue its final report on the June 22, 2009 Red Line collision shortly before or during fiscal year 2011, and that report may contain recommendations that will have a cost associated with their implementation. Metro is committed to responding to those recommendations and that response may affect our ability to undertake some of

the projects that have been planned for the next six years, absent additional funding.

- **Initiate a discussion with regional and federal stakeholders on Metro's long-term fiscal outlook to identify both challenges and solutions.** The basic challenge is this: the Metro system must be brought into a state of good repair. Unless there is a renewed commitment to this goal, the system will continue to degrade.

Conclusion

Mr. Chairman, six months from now, I intend to deliver to Metro's Board of Directors an interim performance assessment, along with recommendations for further improvement, in each of the areas I addressed above: safety, service reliability, and budget. But you do not have to wait until then to track our progress. Metro is developing products that will allow the public to see how we are doing on a more frequent basis. We expect to launch shortly a monthly "Vital Signs" report, which will initially track operational performance and identify trends, with the goal of expanding the range of performance metrics to other areas in the future. We also plan to issue an annual performance report, beginning this September. Metro is committed to improving transparency and communication with our customers and other stakeholders, including Congress.

Thank you for the opportunity to testify today. I would be happy to respond to any questions.

Attachment #1

WMATA Response to Recommendations in the March 4, 2010 Federal Transit Administration Safety Audit

Recommendation	Actions Taken	Next Steps	Completion Date
#1 Conduct assessment to identify resources and expertise necessary for Safety Dept. to carry out activities specified in System Safety Program Plan and Safety Rules and Procedures Manual	Developed statement of work for contractor support	Initiate and award contract, with Board approval	Final Report, including identified needs and recommendations by **end of August 2010**
#2 Use results of assessment to ensure adequate staffing levels and expertise within Safety Department	Included in statement of work under #1	Initiate and award contract, with Board approval	Issuance of Safety Dept. staffing & recruitment plan by **end of August 2010**
#3 Increase Safety Dept.'s access to operating & maintenance information and reports to ensure this information is being analyzed for potential impacts on safety	Established Interdepartmental Safety Working Group, now receiving monthly reports on operations/maintenance	Review process for information-sharing and quality of information shared	Formalize process by **end of August 2010**
#4Develop internal process to require communication of safety-related info. across depts., including impacts of budget reductions & resource constraints on performance of safety-related maintenance activities/requirements	Initiated development of web-based tool	Develop process for identifying and evaluating maintenance-related safety issues	Complete development by **end of August 2010**
#5 Define and implement the process for the top Safety Department position to communicate safety priorities to the GM in a timely and consistent manner	Chief Safety Officer (CSO) now reports directly to General Manager	Continue weekly CSO meetings and reports to GM; revise System Safety Program Plan to reflect relationship	Completed by **end of April 2010**
#6 Identify technical skills required to perform system-wide hazard analysis; if needed, provide training as soon as practicable	Included in statement of work under #1	Initiate and award contract, with Board approval	Contractor to issue needs assessment & training plan by **end of August 2010**
#7 Update the System Safety Program Plan to develop a hazard management process that ensures all departments participate in an on-going manner	Interdepartmental Safety Working Group has met to design a new process	Confirm design of new process with contractor support	Completed by **end of September 2010**
#8 Institute process to ensure changes in operating rules are analyzed for safety impacts before system-wide implementation	Outreach to peer transit agencies for model forms and processes has begun	Continue outreach to peer agencies and consultation with union; revise rule book	Metrorail Safety Rules and Procedures Handbook revisions completed by **end of September 2010**
#9 Finalize right-of-way protection rules; develop training to implement new rules. Ensure all ROW employees & contractors receive training before accessing ROW.	Roadway Worker Protection Working Group established; new manual has been drafted; workshop and roundtable held	Finalize new manual; finalize new training program	Roll out of new training program in **October 2010**
#10 Implement configuration management program described in System Safety Program Plan	Included in statement of work under #1	Initiate and award contract, with Board approval	Create action plan & training program by **end of September 2010**

April 2010

Mr. VAN HOLLEN. Thank you, Mr. Sarles.
Mr. Benjamin.

STATEMENT OF PETER BENJAMIN

Mr. BENJAMIN. Mr. Chairman, Ranking Member Bilbray, and members of the committee, I have worked for the Washington Metropolitan Area Transit Authority for 25 years, a system to which I am very dedicated, and I am pleased to appear before you today as the chairman of the Board of Directors to speak with you about one of my favorite subjects.

Metro's job is not to run buses and trains; it is to move people, to connect origins and destinations, to create transportation alternatives for the region, and to support the operations of the Federal Government. It is to get people to work, to school, to the Rayburn Building, and to the zoo. Most of the people who ride Metro bus or Metro rail are not dependent upon transit. They own cars. They will ride Metro only if it is safe, clean, reliable, comfortable, and at a reasonable price.

Our challenge is to provide that safe, clean, reliable, affordable service. At the same time, we need to improve our communication with our riders so that they have a better understanding of Metro's limitations. We have a 34-year-old rail system, which is not like it used to be when it was new. It has old rail cars, track bed, power equipment, and communication systems. More than half of our bus garages are over 50 years old, and some buses are 15 years old.

As the equipment and facilities age, they become less reliable, break down more often, and need more maintenance. We will have more service disruptions and delays than when the system was new—planned ones to rehabilitate the infrastructure and unplanned ones because of reduced equipment reliability. And we need to ensure that our customers are informed and prepared for that reality.

Above everything else, we must provide safe and reliable service, and in the past year we have had accidents which have shocked and saddened all of us.

We need to focus on three goals: we need to build a new safety culture throughout the organization, from the board and the general manager to the bus and rail operators, mechanics, and track walkers; we need to invest in the equipment, facilities, and personnel needed to enhance safety; and we need to create the policies and procedures that enhance system safety. In doing so effectively, we will restore public confidence in the safety and quality of our service and we will rebuild trust among policymakers, legislators, and other stakeholders.

I know that these goals will not be achieved overnight, but we are determined to accomplish them.

Metro faces the same financial issues which practically every other major transit system in the United States does. In this period of economic decline, many of our revenue sources, such as advertising and fares, have decreased, and the funds available for our subsidies have declined. Transit systems throughout the country with dedicated sources of subsidies such as sales taxes have seen those funds decline and have had to cut staff, reduce service, and in-

crease fares, as well as defer capital projects in order to use those funds to fill operating gaps.

Those transit systems which look to local governments to provide subsidies, as we do at Metro, find those governments dealing with lower tax revenues and the need to cut governmental services. Transit becomes one of a number of vital services that must be funded with fewer resources available.

We are exceptionally pleased that our State and local funding partners have demonstrated a long history of strong financial support for this system. That strong support is continuing even in these tough economic times, as our jurisdictional partners are proposing to provide over a half billion dollars to support Metro operations in fiscal year 2011.

At a time when the Maryland transportation trust fund is woefully short of revenue and the State is reducing its highway expenditures drastically, that State, which I represent on the Metro board, will be increasing its operating contribution to Metro in 2011.

Metro's capital needs inventory identifies investments totaling $11.4 billion over the next 10 years. This committee led the effort to obtain additional Metro funding for capital rehabilitation and replacement, the first installment of which was appropriated last year. That funding will go a long way toward helping us to meet our capital needs; however, our projected funding over the foreseeable future does not bring us to where we need to be.

Again, this is not unique to Metro. A recent study referred to by Administrator Rogoff by the Federal Transit Administration found that the seven largest transit systems in the United States, including Metro, currently have a backlog of state of good repair needs totaling $50 billion. Going forward, the study concluded that these systems would need an additional $5.9 billion per year so as not to fall further behind.

We have been fortunate in that our State and local funding partners have demonstrated strong support on the capital side, just as they have done on the operating side. Over the last 6 years, they have provided Metro with $525 million more in capital contributions than what was needed just to match Federal funds. The key, however, rests with you and your colleagues and the administration. Increased support for the state of good repair needs of older systems is essential in the next surface transportation authorization if we and other systems throughout the Nation are to continue to be able to provide safe and reliability service.

Metro's board is extremely pleased that it was able to convince a leader of Richard Sarles' experience and capability to delay his retirement and help us address our challenges while the board seeks a new permanent general manager for the agency. In his first few weeks here, Mr. Sarles has demonstrated a deep understanding of the issues facing Metro, and he is moving forward aggressively in a number of areas, as he has covered in his testimony.

The Metro board is on the verge of selecting a search firm which will conduct a national and international search for the next permanent general manager. Understanding that we wish to move forward as quickly as possible, we intend to take the time needed to conduct a comprehensive recruitment process so that we can iden-

tify the best candidate for what I can honestly say, having seen it close up, is one of the toughest jobs in the transit industry.

Mr. Chairman, in conclusion I simply want to say Metro's mission is to move people safely, reliably, and comfortably. We are committed to carrying out our mission.

[The prepared statement of Mr. Benjamin follows:]

"The Washington Metro System: Safety, Service and Stability"

Testimony of
Peter Benjamin
Chairman, Board of Directors
Washington Metropolitan Area Transit Authority

Before the
U.S. House of Representatives
Committee on Oversight and Government Reform

April 21, 2010
10:00 a.m.
Hearing Room 2154
Rayburn House Office Building

Testimony of Peter Benjamin
Chairman, Board of Directors
Washington Metropolitan Area Transit Authority
before the Committee on Oversight and Government Reform
U.S. House of Representatives
April 21, 2010

Mr. Chairman, Ranking Member Issa, and Members of the Committee, my name is Peter Benjamin, and I am honored to appear before you today as the Chairman of the Board of Directors of the Washington Metropolitan Area Transit Authority (Metro). I would like to speak first about the role of Metro in the Washington metropolitan area. I will then address three priorities of the Metro Board: improving safety, addressing our current significant financial challenges, which relates directly to enhancing our operational reliability, and coordinating a management transition at the agency.

Let me begin by saying: Metro's job is not to run buses and trains. It is to move people, to connect origins and destinations, to create transportation alternatives for the region, and to support the operations of the federal government. It is to get people to work, to school, to the Rayburn building, or to the Zoo. Most of the people who ride Metrobus and Metrorail are not dependent upon transit. They own cars. They will ride Metro only if it is safe, clean, reliable, and comfortable at a reasonable price. To attract these riders Metro must have a customer focus. We need to make it simpler to use the system. We need to provide more and better information to our riders when

there are delays or other problems on the system.

At the same time, we need to improve our communication with our riders so that they have a better understanding of Metro's limitations. We have a 34-year old rail system, which is not like it used to be when it was new. It has old rail cars, track bed, power equipment, and communications systems. More than half of our bus garages are over 50 years old and some buses are 15 years old. As the equipment and facilities age they become less reliable, break down more often, and need more maintenance. We will have more service disruptions and delays than when the system was new, and we need to ensure that our customers are informed and prepared for that reality.

Of course, above everything else we must provide safe and reliable service, and in the past year we have had accidents which have shocked and saddened all of us. We need to focus on three goals: 1) build a new safety culture throughout the organization, from the general manager to the bus and rail operators, mechanics, and track walkers; 2) invest in the equipment, facilities, and personnel needed to enhance safety, and 3) create the policies and procedures that enhance system safety. In doing so effectively, we will restore public confidence in the safety and quality of our service and rebuild trust among policymakers, legislators, and other stakeholders. I know that these goals will not be achieved overnight. We are doing everything we can to move Metro toward these goals.

Safety

I believe that we need to change how we handle safety at Metro. Certainly safety involves making sure we replace equipment and rehabilitate facilities so that they do not slip into disrepair. Safety involves introducing better technology. Safety involves establishing the right procedures and making sure that people follow them. Safety involves training, and retraining. Safety involves signage and communication. But most important, safety involves people: establishing a culture of safety and an attitude of attention to safety. Nothing will substitute for a commitment to safety by the people in the field who actually are at risk. We ask a lot of them in performing their duties, and it is difficult for any person to do everything right all the time. But we cannot allow the vigilance associated with safety issues to flag.

We are working with our partners, such as the US Department of Transportation and the American Public Transportation Association to assist us in establishing that culture of safety within a broader comprehensive and systematic safety program.

Metro's Board is a policy-setting body. Day-to-day decisions are handled by the General Manager and Metro staff. The Board, however, can and does set policy related to safety when needed. For example, last November the Board of Directors established a new Board policy requiring Metro staff to cooperate fully with the federally-recognized safety oversight agency, the Tri-State Oversight Committee (TOC). In addition, we support the federal government proposal to institute a robust program of safety regulation and oversight, and are pleased that in the interim the

District of Columbia, Maryland, and Virginia are taking immediate steps to strengthen the TOC. In addition to monthly safety reports to the Board by the staff and direction to the Inspector General to provide an ongoing independent review of safety activities, the Board has invited the TOC to report to us on a quarterly basis to ensure that we are fully apprised of relevant safety matters; we received the TOC's most recent presentation on April 8, 2010.

Metro's Financial Situation

Metro faces the same financial issues which practically every other major transit system in the United States does: in this period of economic decline many of our revenue sources, such as advertising and fares, have decreased, and the funds available for our subsidies have declined. Transit systems with dedicated sources of subsidy such as sales taxes have seen those funds decline and have had to cut staff, reduce service and increase fares, as well as defer capital projects in order to use those funds to fill operating gaps. Those which look to local governments to provide subsidies, as do we at Metro, find those governments dealing with lower tax revenues and the need to cut governmental services. Transit becomes one of a number of vital services that must be funded with fewer resources available. We are exceptionally pleased that our state and local partners have demonstrated a long history of strong financial support for this system. That strong support is continuing even in these tough economic times, as our jurisdictional partners are proposing to provide over half a billion dollars to support Metro operations in fiscal year 2011, while many other local

services are taking cuts. In addition, state and local governments will contribute in excess of $200 million to capital programs in fiscal 2011.

Now let me turn to Metro's capital needs. As Metro has moved from being a new system to reaching the point at which we must invest substantially in the replacement of equipment and rehabilitation of infrastructure, our capital challenges have become similar to those of any other large, aging transit system. We have to replace our tracks, trains, and buses, and must rehabilitate our stations, bridges, and maintenance facilities. We have 30-year-old ventilation, lighting, and communications systems which must be maintained or replaced. Some of our station platforms are crumbling, our escalators and elevators need major repairs, and water is leaking into our tunnels. We must do all of the work required while providing service to hundreds of thousands of customers daily.

Although there are some actions which can be taken managerially and operationally to improve the reliability of Metrorail and Metrobus, the most significant factor is investing in the facilities and equipment. Old equipment breaks down more often than new equipment and must be taken out of service for repair. Old facilities fail, sometimes requiring service disruptions until they can be repaired. Even assuming that the dollars needed for upgrading the facilities and equipment were available, the process of carrying out the enhancement program disrupts service and degrades reliability. We must do all we can to carry out our capital program to renew

the system, but we must also be frank with our patrons: It will not be easy, and it will require inconveniences as we work.

We have been fortunate in that our funding partners have demonstrated strong support on the capital side, just as they have done on the operating side. Over the last six years, they have provided Metro with $525 million more than was needed to match federal funds. As a result, Metro was able to make a number of critical investments in its system, including, for the first time, running 8-car trains. (When the Metro system first opened in 1976, we ran 4-car trains – hard to imagine today!)

Going forward, however, Metro needs increased investment to keep the system in a state of good repair. Metro's Capital Needs Inventory identifies investments totaling $11.4 billion over the next ten years. This Committee led the charge for additional Metro funding, the first installment of which was appropriated last year. That funding will go a long way toward helping us to meet our future capital needs if it is appropriated each year as authorized.

However, our projected funding over the foreseeable future does not bring us where we need to be. Again, this is not unique to Metro. A study by the Federal Transit Administration (Rail Modernization Study, April 2009) found that the seven largest transit systems, including Metro, currently have a backlog of state of good repair needs totaling $50 billion. Going forward, the study concluded that these systems would need an additional $5.9 billion per year so as not to fall further behind.

Our state and local funding partners are doing what they can to support our efforts to maintain our system in a state of good repair. The key to our ultimate success, however, rests with you and your colleagues in Congress and the Administration. Increased support for the state of good repair needs of older systems is essential in the next surface transportation authorization if we are to continue to be able to provide safe and reliable service.

The Managerial Transition

Metro's Board is extremely pleased that it was able to convince a leader of Richard Sarles' experience and capability to delay his retirement and help us address our challenges while the Board seeks a new permanent general manager for the agency. In his first few weeks here Mr. Sarles has demonstrated a deep understanding of the issues facing Metro, and he is moving forward aggressively in a number of areas, which he will cover in his testimony.

The Metro Board is on the verge of selecting a search firm which will conduct a national and international search for the next permanent general manager. Understanding that we wish to move forward as quickly as possible, we intend to take the time needed to conduct a comprehensive recruitment process so that we can identify the best candidate for what I can honestly say – having seen it close-up – is

one of the toughest jobs in the transit industry. The General Manager of Metro must deal with the executive and legislative bodies of two states, the District of Columbia, a number of counties and cities, and last but certainly not least, the federal government. In fact, I would guess that there is at least one constituent from every Congressional district in this country who rides the Metro system at least once during the course of a year – and many ride considerably more often. Metro's General Manager must also be prepared to deal with continuous media coverage from local and national outlets, while at the same time, running the second largest rail and sixth largest bus system in the country. That takes an extraordinary person, and we will do everything in our power to find that person.

We have also had a substantial loss of senior management talent in the agency, and are experiencing a drain in dedicated and knowledgeable rank and file long-term employees as they reach retirement age. We understand that filling many of the senior positions will be difficult until we have a permanent General Manager in place, and this knowledge is a driver in making sure that the search for our new leader does not take any longer than necessary. In the interim we believe that we have found a competent and knowledgeable transit executive to lead the agency, and know that Mr. Sarles will make use of his many contacts in the industry to assist in providing resources not currently available in the organization. We also recognize that we need to start immediately in planning for the recruitment of not only the new General Manager, but for the replacement of many talented individuals who have left, or will

soon leave, the agency. Again, we are not alone in this situation. Many transit systems throughout the country face a similar staffing issue.

Mr. Chairman, in conclusion, I simply want to say: Metro's mission is to move people, safely, reliably, and comfortably. We are committed to improving our delivery of that mission. Thank you for allowing me to testify today, and I look forward to answering the Committee's questions.

Mr. VAN HOLLEN. Thank you, Mr. Benjamin.
Mr. Bassett.

STATEMENT OF MATT BASSETT

Mr. BASSETT. Mr. Chairman, Ranking Member Bilbray, and distinguished members of the committee, thank you for the opportunity to testify today on the important topic of the Washington Metropolitan Area Transit Authority's rail safety challenges and initiatives. Today's hearing is of great importance to the rail transit industry, the citizens of the Washington area, and our Nation's transit riders and workers as a whole.

The Tri-State Oversight Committee [TOC], is a joint effort between Maryland, Virginia, and the District of Columbia to oversee WMATA's rail safety and security efforts. We review their accident investigations, approve key safety documents, evaluate corrective actions, and periodically audit their safety procedures and programs.

Dating back even before the tragic Red Line collision of June 22, 2009, the TOC noted significant shortfalls in Metro's safety efforts. Accident investigations were not always completed. Safety hazards sometimes went reported, while others were reported to no avail. WMATA's responses to the TOC's information requests were often delayed or inadequate. Audit findings went unaddressed, and, as our committee found in a recent assessment, significant gaps existed between operating rules and actual practice.

The rail agency's significant funding challenges only compounded the inherent hazards of an aging rail system. However, I am here today to inform the committee and the Congress that in the last 10 months WMATA has made significant and commendable progress in changing its agency culture, in addressing backlogged action items, in improving their responsiveness to our committee, and in bolstering safety communication across departments. Initiatives such as their cross-discipline, multi-agency right-of-way worker protection task force and inter-departmental efforts to resolve open corrective actions have charted a way forward.

Our policy leadership and committee have also taken crucial steps to strengthen and improve our oversight of the Metro rail system's safety. Yesterday morning, Governor Robert McDonnell of Virginia, Governor Martin O'Malley of Maryland, and Mayor Adrian Fenty of the District of Columbia jointly committed to an interim program to augment the TOC's accountability, independence, and authority. These measures coordinate with policymakers, improve public access to our reports and information, provide the TOC Chair with additional authority, and start to evaluate long-term plans for Metro safety oversight.

Along with committee monthly meetings with the WMATA interim general manager and quarterly public interaction with the WMATA board, most recently on April 10th, the TOC is entering a new phase in our relationship with Metro, as well as with the riding public. WMATA still faces major hurdles in improving the system's safety, especially those related to improving safety communication, addressing backlogged action items, and resolving open investigations. It is essential that the transit agency maintain the momentum it has worked hard to generate in recent months.

The recent Federal Transit Administration audit provided a valuable assessment for WMATA and the TOC, and we are working diligently to respond to these findings prior to the deadline early next month.

The TOC looks forward to working with WMATA, the FTA, the National Transportation Safety Board, and the Congress to sustain this progress and to ensure that it translates into real and lasting change.

Thank you for your time, and I look forward to your questions.

[The prepared statement of Mr. Bassett follows:]

Testimony of Matt Bassett, Chair and Virginia Member of the Tri-state Oversight Committee,
to the United States House of Representatives
Committee on Oversight & Government Reform
April 21, 2010

Chairman Towns, Ranking Member Issa, and distinguished members of the Committee, thank you for this opportunity to testify on behalf of the Tri-state Oversight Committee, specifically, to discuss rail safety initiatives and continued challenges at the Washington Metropolitan Area Transit Authority, or WMATA.

As you may know, the Tri-state Oversight Committee, or TOC, is a joint effort by Virginia, Maryland and the District of Columbia to oversee safety and security at the WMATA Metrorail system under 49 Code of Federal Regulations, Part 659. Organized under a Memorandum of Understanding, the TOC reviews Metro's safety and security plans, approves accident investigations, evaluates hazard management processes and conducts rail safety audits, among other activities.

In the last year, TOC has faced structural and operational challenges in carrying out our rail safety and security oversight mission for Metro. A number of major accidents, including the tragic June 22nd, 2009 collision near Fort Totten, highlighted structural problems in how WMATA approached the safety of its system. Furthermore, it highlighted the TOC's difficulty (due to a lack of regulatory authority, its legal status and bureaucratic impediments) in compelling appropriate action by WMATA in responding to critical safety deficiencies.

TOC continues to be unique in this regard. While Philadelphia and St. Louis operate two-state rail transit systems, no other system in America crosses into three jurisdictions as WMATA does- subsequently requiring three state-level agencies to coordinate on its safety and security oversight.

Even prior to June 22nd, 2009, TOC and WMATA faced a serious backlog of unfinished accident investigations (some of which dated back to 2004) as well as open safety-related Corrective Action Plans, or CAPs. TOC's primary point of contact within WMATA was the Chief Safety Officer, rather than senior management. And within WMATA, the Safety Department often faced difficulty in securing the cooperation of managers within the maintenance and rail operations departments- managers whose assistance in implementing safety plans and investigating accidents was critical. WMATA's internal safety auditing programs were weak, and its written safety rules and procedures were often inconsistent with actual operating practices.

Overall, WMATA's general focus on safety was of an occupational nature, rather than the "system safety" approach required under 49 CFR Part 659. The agency focused heavily on worker's compensation cases and lost-time accident; important

indicators of safety behavior, but not an approach geared towards identifying and resolving system-wide hazards. The effects of this attitude were compounded by an organizational culture which emphasized on-time performance and production as the highest priority. In this environment, safety concerns might not always have received appropriate attention, and employees may have felt discouraged from reporting safety concerns or near-misses due to the potential for a negative response from management.

The events of June 22nd, 2009, the recent derailment at Farragut North, the collision in the West Falls Church Yard and especially the track worker fatalities in August, September and January have all been devastating experiences. However, in their aftermath, and in response to audits by the TOC and Federal Transit Administration, WMATA has begun to make significant progress in a number of key areas.

After a public disagreement regarding access to the WMATA right-of-way between TOC and the WMATA Chief Safety Officer, the attention of the WMATA Board of Directors (as well as federal agencies such as the Government Accountability Office, FTA and Congress) helped to improve WMATA's responsiveness to TOC requests. Since that time, WMATA has made significant strides in sharing safety information, both with the TOC and within its internal operating departments.

Perhaps the best example of WMATA's commitment to a comprehensive system safety program has been the Right-of-Way Worker Protection Task Force, commonly termed the "RWP Committee." Launched after an RWP "summit" that solicited the input of other rail transit agencies, this group of key WMATA track, rail transportation, safety, emergency management and training personnel meet every week. They take on a number of significant projects with the goal of keeping track workers free from harm. Foremost among these tasks is creating a top-to-bottom track worker safety manual, with concurrent training and recertification programs.

WMATA has used the RWP Committee to effectively address many of the TOC's concerns in our December 2009 safety audit. They have opened their doors and solicited input and advice from TOC, as well as to FTA, the Federal Railroad Administration, and carriers like Conrail and Amtrak. We believe that this group demonstrates a cooperative, interdepartmental framework which could serve WMATA well in addressing other safety problems.

In partnership with our committee, WMATA has successfully coordinated the efforts of rail operations and maintenance managers with the Safety Department through a process we call "CAPTURE," or Corrective Action Plan Technical Review Entity. The CAPTURE process holds front-line managers and supervisors accountable for safety improvement plans, ensuring a consistent flow of information and helping to close out a significant backlog of unfinished Corrective Action Plans. WMATA has also taken steps to improve their internal safety audit capabilities, such as ensuring full-time agency personnel are trained and qualified to perform those duties without assistance from outside organizations.

TOC has also established strong and consistent information-sharing practices with the highest levels of WMATA leadership. Instead of dealing with mid-level management, TOC now shares quarterly progress reports with the WMATA Board of Directors, and Interim General Manager Richard Sarles has agreed to monthly progress meetings with our Committee. In addition, we look forward to presenting our assessment of WMATA's safety activities at quarterly FTA progress meetings, the next of which will occur in early May.

I am particularly pleased to note that yesterday, Governor Robert McDonnell of Virginia, Governor Martin O'Malley of Maryland and Mayor Adrian Fenty of the District of Columbia took a significant and proactive step forward in the safety of the WMATA system. They formalized a road map to strengthening and supporting the TOC and our mission. In a "white paper" agreed to by the three executives, they committed to a plan of action that will augment the Committee's transparency, independence and authority, in both the short and long terms.

In this plan's first phase, the three jurisdictions will establish a TOC Policy Committee, to ensure a timely and coordinated response to safety concerns at WMATA. The TOC will begin a comprehensive program of performance reviews and reporting of safety data, to jurisdictional leadership, WMATA officials and the public. They will also provide the Chair with additional executive authority to take prompt and effective action.

In a further phase of this plan, the two Governors and the Mayor considered both the possibility that FTA might directly take over the safety oversight mission for WMATA, or that their jurisdictions might legally establish a Metro Safety Commission in the place of the TOC. The MSC (possibly funded through the Public Transportation Safety Act) would be established as an independent legal entity with a full-time Program Director, staff, office space, and authority to set policy and mandate operating practices at WMATA. Obviously, such decisions will be influenced by the legislative action Congress chooses in this matter.

Despite the notable progress made in recent months by WMATA and TOC towards improving the safety of the Metrorail system, much additional work remains to be done. WMATA must ensure its rules and procedures are updated to reflect recent safety improvement plans in a timely basis. WMATA still has much to do to institute and sustain an effective program of hazard analysis and prioritization. The transit agency must continue the hard work of advancing its internal audit program. It must promote a culture of safety communication, in which employees and managers take responsibility for each other and for the safety of the system. And WMATA must continue to invest time, effort and resources across its departments to resolve open CAPs and investigations, as well as addressing reported hazards.

In conclusion, Mr. Chairman, I submit on behalf of the TOC our assessment that WMATA has invested considerable effort and made significant strides in recent

months to address systemic safety issues. Yet much progress remains to be made before those issues can be comprehensively resolved. In the coming days, TOC looks forward to partnering with the Congress, the FTA, the National Transportation Safety Board and WMATA to make the Nation's Capital Region Subway as safe as it can possibly be.

I thank you for your time, and look forward to your questions.

Mr. VAN HOLLEN. Thank you.
Ms. Jeter.

STATEMENT OF JACKIE JETER

Ms. JETER. Good morning to the committee. Thank you for your invitation to appear before you today to share our insights, concerns, and suggestions on improving safety and service within the Metro rail system.

My statement details issues that you are well acquainted with, so I will focus on items that you may not be familiar with.

WMATA's apparent inability to initiate effective internal investigations based upon the evidence to institute effective safety changes continues to inhibit their ability to move toward a safer system. Unfortunately, we meet and talk a lot, but action is needed. Failure to implement needed procedural changes and the lack of oversight to do it quickly continues to compromise safety and service delivery.

I would note that there is a tendency to blame individual employees instead of looking for underlying systemic causes of safety-related incidents.

Local 689's experience concerning the investigations lead us to belief that WMATA has not implemented several key measures that would make the Metro rail system safer. Urgency and rapidity will be the hallmark of suggested changes we are offering below. WMATA must consider instituting the following without delay: multiple layers and redundancy of safety protections, codification of standards for track worker safety similar to the Federal Railroad Administration track worker safety standards, clear and concise communication between workers and controllers, clear notification and designation of work areas and zones on the right-of-way, effective worker safety training and retraining, supervisory enforcement of safety standards, a contractual process for WMATA employees to appeal the standards they believe to be incorrect or unsafe, such as a safety appeals board, meaningful whistleblower protection to ensure that employees are not fearful of reporting precise safety problems, effective labor/management safety committees, WMATA's commitment to rapid development and implementation of procedures and standards that are calculated to improve safety immediately and in the long term.

Short- and long-term solutions likely to address budget shortfalls currently confronting WMATA must be seen in the context of the impact insufficient funding has on workers, riders, businesses, and overall development in the three jurisdictions hosting the system. Public transportation will never be profitable. It is an expensive public service. The critical nature of funding and the lack thereof has a major impact on the riding public and WMATA employees who are our members. We have struggled with wage and benefit issues for the last 3 years and have been victimized by WMATA's failure to adequately plan for expected labor cost increases.

Beyond the impact of wages and benefits is the impact of the public as service cuts are becoming standard practice to help close the budget gaps. I will emphasize the need for flexibility in capital budget allocation in order to allow for capital funds to cover operating costs.

The Union has suggested the following alternative approaches to job and service cuts WMATA believes necessary because the budget shortfalls it is experiencing.

Review carefully the formula grant that is used as a basis of Federal funding to consider adjusting the percentage allocated to Metro. Look at reducing [sic] the number of parking spaces at Metro stations to induce greater use of the system. Lobby to establish a dedicated funding source from the jurisdictions. Consider recapturing tax incentives given to businesses that surround Metro stations. They should bear a greater share of the cost because they gain a greater benefit as a result of their location.

The Federal transit benefit should be indexed to both increase use and inflation. It would get an annual increase automatically to reflect the real cost of providing increased service and any increased costs resulting from inflation.

Consider supporting the development of the outer spokes of the system to increase ridership and revenue from business development likely to occur around the stations.

Local 689 supports the selection of a permanent general manager for WMATA who is a seasoned, transit top-level manager with vision, knowledge anchored by the political savvy most likely to garner, private, and government support that will nurture the critical system in our Nation's Capital.

We believe the general manager should be a person capable of forming alliances, fostering tri-State cooperation, encouraging legislative affinity for addressing the needs of mass transit, while possessing the background that comes from long-term involvement in managing and developing a sizable system. But without true overhaul of the Metro board, any general manager selected will have serious pressure because of the micro-management style.

I will be pleased to address any questions you might have in regard to my testimony, and I thank you on behalf of my members and the riding public.

[The prepared statement of Ms. Jeter follows:]

U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
WEDNESDAY, APRIL 21, 2010
STATEMENT OF JACKIE JETER, PRESIDENT AMALGAMATED TRANSIDT UNION LOCAL 689

Thank you for your invitation to appear before you today to share my insights, concerns, and suggestions for: improving safety and service within the Metro system; short and long term solutions for closing WMATA's current budget shortfall; and the selection of a permanent General Manager for WMATA who can provide effective, long term leadership.

As a long time WMATA employee and as a second term President of the third largest transit union in the U.S., I have had the exposure and experience that I believe can be instructive to the Board of Directors of WMATA as they work to address safety, personnel, service and budgetary issues confronting the Metro system.

WMATA's safety problems have been well publicized and include:

a. A catastrophic Automatic Train Control (ATC) system failure that caused the deaths of nine persons, including the train operator. The precise cause of the collision that occurred in FY 09 is still not reported and the disruption caused by this failure has continued to the present
b. The deaths of a track worker struck by a piece of track equipment, a wayside worker struck by a train, and two wayside workers killed by a piece of track equipment over the last 8 months
c. Reports by Tri-State Oversight Committee of violations of routine safety rules
d. Testimony before the National Transportation Safety Board of routine communications failures, as well as the overall operations of a mass transit system.

In addition to these issues, there are multiple failures of key systems resulting in their inability to perform as intended, including:

1. the Automatic Train Protection (ATP) system that failed in 2007 and at least twice in 2009
2. the automatic berthing of both six and eight car trains which repeatedly overshot stations
3. the automatic door openings on the wrong side of the platform

4. on board and hand held radio systems where there has been an inability to maintain constant, clear, understandable radio communication between wayside workers, controllers and train operators.

Third, a failure to implement needed procedural changes and a lack of oversight to do it quickly, compromised safety and service delivery. Finally, I would note that there is a tendency to blame the individual employee, instead of looking for underlying systemic causes of safety issues.

As a consequence of Local 689's investigations, it appears that WMATA has not implemented several key measures that would make the Metrorail system safer. I would like to offer the following as measures that are likely to address the system's inadequacies and failures that we believe contributed to or caused those accidents and the consequent loss of life.

After earlier rail incidents and as a result of investigations by the National Transportation Safety Board (NTSB), WMATA announced its intentions to begin developing and/or implementing improved safety procedures and measures; however, few changes have ever reached the implementation phase. Since the horrific train accident on June 22, 2009, there is a greater sense of urgency that should be driving WMATA's rapid development and implementation of needed improvements.

<u>WMATA must consider developing and instituting the following safety procedures and measures without delay</u>:

1. Multiple layers and redundancy of safety protections (WMATA has said that these are being developed now. However, we are requesting that WMATA release a schedule, with deadlines for completion and implementation.)
2. Codification of standards for track worker safety similar to Federal Railroad Administration track worker safety standards
3. Clear and concise communication between workers and controllers
4. Clear notification and designation of work areas and zones on the right of way
5. Effective worker safety training
6. Supervisory enforcement of safety standards
7. A process for WMATA employees, to appeal the standards they believe to be incorrect or unsafe, such as a Safety Appeal Board.

8. Meaningful whistleblower protection to insure that employees are not fearful of reporting perceived safety problems
9. Effective labor-management safety committees
10. WMATA's commitment to the rapid development and implementation of procedures and standards that are calculated to improve safety immediately and in the long term.

Short and long term solutions likely to address the budget shortfall currently confronting WMATA must be seen in the context of the impact insufficient funding has on workers, riders, businesses and overall development in the three jurisdictions hosting the system. The critical nature of funding and the lack thereof, has a major impact on WMATA employees who are our members. We have struggled with wage and benefit issues for the last three years and have been victimized by WMATA's failure to adequately plan for expected cost increases. WMATA's current budgetary shortfall has meant that major benefits and wages have been reduced or eliminated and jobs have been cut with the expectation of further jobs losses and cuts in wages and benefits. Beyond the impact on wages and benefits is the impact on the public as service cuts are becoming standard practice to help close these budget gaps. The union has suggested the following alternative approaches to job and service cuts WMATA believes necessary because of the budget shortfalls it is experiencing:

a. Review carefully the formula grant that is used as the basis for federal funding to consider adjusting the percentage allocated to Metro such that it reflects a percentage that is more closely aligned with other jurisdictions
b. Look at reducing the number of parking spaces at metro stations to induce greater use of public transport between riders' homes and their jobs
c. Consider recapturing tax incentives given to businesses that surround the metro stations such that they bear a greater share of the costs for metro commensurate with the income and benefits afforded them on the basis of the proximity to Metro stations
d. The Federal transit benefit should be indexed to both increased use (riders) and inflation such that an annual increase would be automatic to reflect the real costs of providing increased services and any increase costs resulting from inflation

e. Consider supporting the development of the outer spokes of the system to increase ridership and revenue from business development likely to occur around the stations.

Local 689 supports the selection of a permanent general manager for WMATA who is a seasoned transit, top level manager with vision and knowledge, anchored by the political savvy most likely to garner public, private and government support that will nurture this critical system in our nation's capital. We believe the General Manager should be a person of vision, capable of forming alliances, fostering tri-state cooperation, encouraging legislative affinity for addressing the needs of mass transit while possessing the background that comes from long term involvement in managing and developing a sizable system. It is our assessment that while the General Manager needs a background in management of a mass transit system, a deputy manager should be in place that has technical knowledge and experience in the technical aspects of managing a mass transit system. But without a true overhaul of the metro board any general manager selected will have serious pressure because of the micro-managemnet style. The board members are more interested in how funding or cuts impacts their jurisdiction and often times fail to examine the impact or benefit for the entire system.

I would be pleased to address any questions you might have in regard to my testimony. Thank you on behalf of my members and the riding public.

Mr. VAN HOLLEN. Thank you, Ms. Jeter.
Mr. Alpert.

STATEMENT OF DAVID ALPERT

Mr. ALPERT. Thank you, Mr. Chairman, Ranking Member Bilbray, and members of the committee. Thank you for inviting me to testify today. My name is David Alpert, and I am the District of Columbia vice chair of the WMATA Riders Advisory Council. I also report on and advocate for transit and better urban design through my Web site, greatergreaterwashington.org.

The Riders Advisory Council has 21 members appointed by the WMATA board from the District of Columbia, Maryland, and Virginia. Members use Metro bus, Metro rail, and Metro access, and represent a diverse mix of ages, backgrounds, and ways in which they use Metro.

Metro experienced its worst year in history in 2009 and suffered a substantial loss of public confidence. The June 2009 crash on the Red Line and subsequent track worker fatalities catalyzed that change and accelerated awareness of the larger problem, the growing disrepair of the Metro infrastructure.

Failing to keep the system in a state of good repair seriously threatens safety. While certainly not as dramatic as the past year's incidents, crowded platforms following service disruptions, crumbling platform tiles, and out-of-service elevators and escalators are significant recurring safety concerns. Renewing the local Metro matters funding agreement, which is currently under negotiation, is essential.

The Council appreciates Congress' support for the $150 million annual Federal capital funding for WMATA last year and hopes Congress will continue to provide these funds. Unfortunately, even continuing that appropriation annually and renewing the Metro matters agreement leaves WMATA about $3.4 billion short of its identified capital needs over the next 10 years.

In addition, WMATA must secure support for its operating budget. Closing the currently projected $190 million operating budget gap for fiscal year 2011 will likely require both significant fare increases and substantial service cuts.

Riders are not the only ones who benefit from good transit. The entire region benefits economically. The Federal Government benefits from greater productivity. And drives benefit from reduced congestion on roadways. For that reason, the Riders Advisory Council and transit advocates have asked local jurisdictions to increase their contributions enough to forestall severe service cuts.

The northern Virginia counties have taken the greatest steps in this area, explicitly making room in their budgets for greater support for transit. Some representatives, including many Maryland State delegates and county council members, have expressed their support; however, that has not yet translated into meaningful action, and there remains a great deal of uncertainty about the amount the funding jurisdictions can or will ultimately provide.

Safety must top the list of Metro's core values. Effective oversight is also critical to maintaining safety and customer confidence in transit. Still, safety cannot exist in a vacuum. Statistics show that commuting by rail is approximately 34 times safer than driv-

ing. Mandates that improve safety while maintaining service quality can greatly enhance transit. Mandates that impair service in the long run in the name of safety will only drive commuters to other more dangerous modes of travel.

We are pleased that Congress is taking a strong interest in the safety and success of the Washington area transit system. At the same time, safety for commuters does not start and end with Metro rail. A USDA employee was killed after the recent snow storm walking to the Branch Avenue Metro Rail Station in Prince George's County, MD, where the sidewalks had not been cleared. A military truck driver closing roads for the recent nuclear security summit killed a bicyclist last week right in downtown D.C.

WMATA safety issues have received considerable press recently, but the degree of press attention has been so great specifically because Metro rail fatalities are so rare, while fatalities on roadways are common to the point that we have become inured to these tragedies.

This Congress should not ignore these larger safety concerns and could draw needed attention to them by also conducting oversight into the ways in which our roadway designs, snow removal policies, and traffic law enforcement succeed or fail at maximizing the safety of commuters on all modes.

A safe, reliable, well-maintained, and adequately funded Metro system will enrich the entire region notably, including the Federal Government.

I thank you for the opportunity to provide testimony and would be happy to answer any questions you may have.

[The prepared statement of Mr. Alpert follows:]

Statement of
David Alpert, Vice-Chair
Riders' Advisory Council
Washington Metropolitan Area Transit Authority
Before the
Committee on Oversight and Government Reform
United States House of Representatives

April 21, 2010

Chairman Towns and Members of the Committee,

Thank you for inviting me to testify today. My name is David Alpert and I am the District of Columbia Vice-Chair of the WMATA Riders' Advisory Council. I also report on and advocate for transit and better urban design through my Web site, Greater Greater Washington dot org.

The Riders' Advisory Council was established by WMATA in September 2005 and serves as the riders' voice within WMATA. The Council provides feedback to the Board and customer input to Metro staff. Council members are appointed by the Board of Directors. The Council consists of 21 members, two from each of the District of Columbia, Maryland and Virginia, two appointed at-large and the Chair of the Accessibility Advisory Committee. Members use Metro's transit services – Metrobus, Metrorail and MetroAccess – and represent a diverse mix of ages, backgrounds and ways in which they use Metro.

WMATA experienced its worst year in history in 2009, and suffered a substantial loss of public confidence. The June 2009 crash on the Red Line and subsequent track worker fatalities catalyzed that change, and accelerated awareness of the larger problem, the growing disrepair of the Metrorail infrastructure.

Despite the challenges faced by WMATA, it remains a vital asset to the Washington region. A recent Washington Post poll found that 80% of riders rate the system positively. During this past month, Metrorail recorded three of its top five highest ridership days (April 1st, 2nd and 7th). This underscores the region's dependence on Metro and also highlights the need to redouble efforts to maintain and expand the system.

WMATA, its new Interim General Manager Mr. Sarles, and its future permanent General Manager as well as all employees must ensure that safety is their top priority. We need the best safety managers and a culture from the top that ensures that all employees respect and follow the safety recommendations. One day, hopefully very soon, the immediate safety crisis will be a memory.

At that time, we will wrestle with the much more difficult task of repairing a system that is chronically underfunded, both from federal transportation spending rules which contain built-in biases against transit funding, to state and local fiscal decisions which fail to adequately fund a system that has brought hundreds of billions of dollars in economic value to the region.

Failing to keep the system in a state of good repair also seriously threatens safety. While certainly not as dramatic as the incidents that have occurred over the past year, crowded platforms following service disruptions, crumbling platform tiles and out-of-service elevators and escalators are significant, recurring safety concerns.

Ensuring stable and sufficient capital funding for Metro is necessary to improve safety.

As WMATA prepares to enter into its next capital plan on July 1st of this year, governments must also provide the resources necessary to adequately maintain Metro's safety and service, from specific safety recommendations from the National Transportation Safety Board to the everyday yet critical maintenance challenges.

Renewing the local Metro Matters funding agreement, which is currently under negotiation, is essential. Recent news reports have revealed that Maryland, in particular, has deferred some 2010 capital payments, may defer additional payments in 2011, and may not be able to renew its multi-year commitment to capital funding. In the Washington Post poll, 62% of respondents said that the region should "provide more public transportation options, such as trains or buses" rather than "expanding or building roads."

The Council appreciates Congress's support for the $150 million annual federal capital funding for WMATA last year and hopes Congress will continue to provide these funds. Unfortunately, even continuing that appropriation annually and renewing the Metro Matters agreement leaves WMATA about $3.4 billion short of its identified capital needs over the next 10 years.

In addition, WMATA must secure support for its Operating Budget. Closing the currently-projected $190 million operating budget gap for FY2011 will likely require both significant fare increases and substantial service cuts. Proposed cuts could create long headways of up to 30 minutes on rail and an hour or more on some buses, increasing crowding and driving many choice riders away from transit. Others would eliminate some service entirely early in the morning and late at night, stranding riders who depend on Metro to get to work at those hours. The General Manager's proposed budget even shortened rush hour trains and eliminated Yellow Line service at many times.

During recent public hearings on WMATA's proposed operating budget and imminent fare increases and service reductions, riders expressed a clear preference for increased fares over reductions in service. However, fares cannot be raised too greatly lest riders, especially the most vulnerable, be priced off of Metro.

Riders are not the only ones who benefit from good transit. The entire region benefits economically. The federal government benefits from greater productivity. And drivers benefit from reduced congestion on roadways. For that reason, the Riders' Advisory Council and transit advocacy groups have asked local jurisdictions to increase their contributions enough to forestall severe service cuts.

The Northern Virginia counties have taken the greatest steps in this area, explicitly making room in their budgets for greater support for transit. Elected leaders including some DC Councilmembers and many Maryland state delegates and county councilmembers have expressed their support. However, there remains a great deal of uncertainty about the amount the funding jurisdictions can or will ultimately provide.

Over the long term, federal, state and local governments must recognize the tremendous asset that Metro represents to the region and support it accordingly. A majority of residents in the aforementioned poll said that the region should find new ways to fund Metro, even if that meant raising some taxes.

Metro's budget difficulties are certainly not unique among the nation's transit systems. A recent study released by the American Public Transit Association noted that 84% of transit systems in the United States are planning to raise fares and/or decrease service, or have already done so. Metro does provide uniquely direct value to the federal government, and therefore we hope Congress and the states can work together to explore long-term funding sources.

In the midst of all of these challenges, WMATA must also find a new, permanent General Manager. The Council hopes that as the Board begins its search it will solicit input from all of Metro's stakeholders, including its riders and its employees.

Riders have expressed their vision for improvements at Metro. They want more reliable service, greater focus on customers, and clearer, more direct and more frequent communication from Metro, especially when things go wrong. While the General Manager must ensure a safe system, the region also needs a GM able to improve service quality and communicate effectively with the public to restore confidence. The Board should seek a candidate able to address Metro's long-term as well as short-term challenges and listen to stakeholders' views about those challenges.

Safety should top the list of Metro's core values. Effective oversight is also critical to maintaining safety and customer confidence in transit. Still, safety cannot exist in a vacuum. Statistics show that commuting by rail is approximately 34 times safer than driving, and many riders make a daily decision between the two.

Mandates that improve safety while maintaining service quality can greatly enhance transit; mandates that impair service in the long run in the name of safety will only drive commuters to other, more dangerous modes of travel. Transit must be safe; it also must not be permanently hamstrung in ways that actually make travelers across all modes less safe.

We are pleased that Congress is taking a strong interest in the safety and success of the Washington area's transit system. At the same time, safety for commuters in our nation's capital does not start and end with Metrorail. A US Department of Agriculture employee was killed by a driver after the recent snowstorm when the employee tried to walk to the Branch Avenue Metrorail station in Prince George's County, Maryland, where the sidewalks had not been cleared. A military truck closing roads for the recent nuclear security summit killed a bicyclist last week right in downtown DC.

WMATA safety issues have received considerable press recently, but the degree of press attention has been so great specifically because Metrorail fatalities are so rare, while fatalities on roadways are common to the point that we have become inured to these tragedies. This Congress should not ignore these larger safety concerns, and could draw needed attention to them by also conducting oversight into the ways in which our roadway designs, snow removal policies, and traffic law enforcement succeed or fail at maximizing the safety of commuters on all modes.

A safe, reliable, well-maintained and adequately funded Metro system will enrich the entire region, notably including the federal government. I thank you for the opportunity to provide testimony and would be happy to answer any questions you may have.

Attachments:
Attachment A – List of Current R.A.C. Members
Attachment B – Letter to Metro Board of Directors Concerning Metro's FY2011 Budget, April 19, 2010
Attachment C - Letter to Metro Board of Directors on FY2011 Budget Development

Attachment A

Riders' Advisory Council
Roster

(as of February 3, 2010)

2010 Officers:

Chair:	Frank DeBernardo
District of Columbia Vice-Chair:	David Alpert
Maryland Vice-Chair:	Victoria Wilder
Virginia Vice-Chair:	Dharm Guruswamy

Jurisdiction:

At-Large:
Dharm Guruswamy
Carl Seip
Patrick Sheehan (Accessibility Advisory Committee Chair)

District of Columbia:
David Alpert
Kelsi Bracmort
Patricia Daniels
Kenneth DeGraff
Carol Carter Walker
Diana Zinkl

Maryland:
Sharon Conn (Prince George's County)
Frank DeBernardo (Prince George's County)
Christopher Farrell (Montgomery County)
Ronald Whiting (Montgomery County)
Victoria Wilder (Montgomery County)

Virginia:
Penelope Everline (Arlington County)
Robert Petrine (Fairfax County)
Clayton Sinyai (Fairfax County)
Lorraine Silva (Arlington County)
Evelyn Tomaszewski (Fairfax County)
Lillian White (City of Alexandria)

Attachment B

600 Fifth Street NW
Washington, DC 20001
202-962-2891

Chairman Benjamin and Members of the Board:

This letter serves as the formal position of the WMATA Riders' Advisory Council on the FY2011 Operating Budget, currently estimated to contain a $189.2 million shortfall.

First, we recognize and appreciate the efforts of the Board of Directors to solicit meaningful public comment on a wide variety of proposals to address the current budget situation. Providing the public with alternatives has spurred public debate and allowed riders to select from a menu of options to create a sound FY2011 budget. We strongly encourage the Board and the Authority to review the FY2011 budget and reduce administrative spending as much as possible to close the projected budget gap.

Over the past several months, our members have held lengthy meetings devoted purely to the budget, attended public hearings, solicited feedback on their commutes, and debated the merits of the many different proposals put forward by WMATA staff, the Board and other groups.

This Council is faced with two distasteful options– service reductions which could drastically impact the quality of life in our region and/or fare increases that might price some residents out of using our transit system.

To limit the need for these drastic options, the R.A.C. continues to strongly support increased jurisdictional subsidies and dedicated local and federal funding for the Metro system. While budgets are tight, we remain hopeful that local and Congressional leaders will fight to expand Metro funding at the jurisdictional and federal level in recognition of the Authority's role as a unique regional and national asset.

We also recognize that Metro will make changes to MetroAccess service, continue negotiations with its operating unions to decrease costs, cut administrative positions, and continue to explore alternative revenue sources in an effort to reduce the budget shortfall in FY2011.

We are deferring to the Accessibility Advisory Committee's recommendations on the proposed changes to MetroAccess, which have already been submitted as part of the public hearing record.

If the Board, after it exhausts all other options to close the FY2011 budget gap, finds that fare increases and service cuts on Metrorail and Metrobus are absolutely necessary, the WMATA Riders' Advisory Council prefers the following proportions and priorities for the Board's decision-making:

If any fare increases should be necessary, we prefer the Board implement them in the following order from least to most undesirable:

1. a) Decreasing the transfer time among all modes from 3 to 2 hours,
   b) raising the fare differential for (rail) paper farecards, and
   c) instituting a peak-of-peak rail surcharge, *which are preferable to*
2. a) Increasing late-night weekend fares (after midnight),
   b) increasing the reserved parking fee, and
   c) increasing airport bus fares (with the consideration that steps be taken to protect airport workers), *which are preferable to*
3. a) Increasing bicycle locker rental fees,
   b) increasing general parking fees, and
   c) increasing express bus fares for non-airport buses, *which are preferable to*
4. Increasing the SmarTrip fare differential on bus, *which is preferable to*
5. Increasing base bus fare along with an increased transfer discount, *which is preferable to*
6. Increasing regular (rush hour) rail fare, *which is preferable to*
7. Increasing reduced (off-peak/weekend) rail fare, *which is preferable to*
8. a) Any special event fares on rail,
   b) peak fare surcharges on crowded bus routes, and
   c) increasing base bus fare without increasing the transfer discount, *which are preferable to*
9. Reducing the age at which children ride free, from under five years of age to under three years of age.

If any service cuts to Metrorail should be necessary, we prefer the Board implement them in the following order from least to most undesirable:

1. a) Modifying headways and train lengths on four holidays: Columbus Day, Veterans' Day, Martin Luther King's Birthday and Presidents' Day;
   b) Restructuring peak service on the Red Line to have 3 min headways from Grosvenor to Silver Spring and 6 min from Silver Spring to Glenmont and Grosvenor to Shady Grove, and
   c) early morning weekday headway widening, *which are preferable to*
2. Closing station entrances or mezzanine levels (after a full and transparent review of safety and security issues these closures may cause), *which are preferable to*
3. Weekend headway widening, *which is preferable to*
4. Late night headway widening, *which is preferable to*
5. A later weekday opening time at 5:30am, *which is preferable to*
6. A later weekend opening time at 8:00am, *which is preferable to*
7. a) Earlier weekend closing times and
   b) weekend station closures, *which are preferable to*
8. a) Elimination of peak 8-car trains,
   b) elimination of Yellow Line service to Fort Totten off-peak/weekends, and
   c) elimination of Yellow Line service after 9:30 p.m. and on weekends except for a rail shuttle between King Street - Huntington.

If any service cuts to Metrobus should be necessary, we prefer the Board implement them in the following order from least to most undesirable:

a) Reducing and eliminating bus stops after a full and transparent review of cost, safety and security measures that these changes may cause, and
b) reductions in holiday service, *which are preferable to*

2. Eliminating of line segments/local overlap, *which is preferable to*
3. Peak-period headway widening, *which is preferable to*
4. a) Weekend headway widening, and
   b) off-peak weekday headway widening.

We strongly recommend that any proposals to eliminate entire bus lines, weekend routes or service, or late-night (after midnight) trips be examined on a case-by-case basis and give consideration to distance and accessibility of alternative route service during peak and off-peak times and route efficiency metrics.

Additionally, we suggest the Board find a middle-ground on many of the aforementioned fare and service changes. Rather than focusing a disproportionate level of service cuts or fare increases on one sector of Metro riders, if any are necessary, we strongly prefer a moderate slate of cuts and increases that is spread more evenly across the entire ridership base.

If the Board must make fare increases and service cuts, we prefer that service cuts represent a very small percentage compared to fare increases. As above, we hope that increased jurisdictional contributions and other savings measures can reduce as much as possible the need for fare increase or service cuts.

As you well know, Metro is our communal responsibility. We all reap the benefits when we commute to work, attend cultural events, and visit friends throughout the region. It is this Council's sincerest desire to work with the Board to find more stable funding solutions so that a budget situation such as this one never happens again.

If you have questions about our proposal or would like to discuss this matter further, please contact myself or Carl Seip, Chairman of the Committee on the Budget, through John Pasek in the Office of the Board Secretary.

Sincerely,

Frank DeBernardo

Frank DeBernardo, Chair

Attachment C

600 Fifth Street NW
Washington, DC 20001
202-962-2891

December 8, 2009

Chairman Graham and Members of the Board:

Building on WMATA's recent budget town meetings concerning its FY2011 budget, the Metro Riders' Advisory Council (R.A.C.) would like to provide our initial thoughts on the budget development along with possible suggestions.

In our April 23, 2009 letter on the FY2010 public hearing process and proposed service cuts, this Council stated that the Board "should have presented the public with a full slate of budgetary options, including fare increases, rail service adjustments, and parking rate increases, rather than just asking for public input on a pre-selected list of cuts." As we begin the discussion on the FY2011 budget, we stand by that statement. We would also like to reiterate our March 2009 resolution on Service Adjustments that emphasizes the importance of maintaining basic transportation, safety, equity, alternatives within transit, and communication with the public in any service adjustments.

This Council strongly encourages the Board to present a list of clear and specific alternatives for the FY2011 budget, which give the public an opportunity to debate multiple options at any public hearings. These options should collectively total more than the FY2011 budget gap, to allow for public debate about which to implement and which to table. Meaningful public involvement in this process requires dialogue, debate, and detailed options that riders can comment on, rather than a single option that will likely draw widespread opposition.

We hope that the Board will put forward as many options as possible for public comment. Nothing should be taken off the table prior to analysis by Metro staff and opportunity for feedback by riders. This Council strongly feels that Metro should take a long-range approach to achieving a stable budget for FY2011 and future years to avoid the disruption and uncertainty experienced in FY2010.

A public hearing process that includes numerous budgetary alternatives for FY2011 and beyond is jointly beneficial. The public would be able to collectively weigh the cost and benefits of each individual proposal to cut costs or increase fares – no matter how small – and then comment on them in a substantial way. The Board would, in turn, have greater flexibility in making a final decision that accurately represents the will of the riding public.

We are confident that this approach – with specific fare, fee and budget options made publicly available for consideration by the Board and riders – will enhance the dialogue between the Authority, Board, and riders, and will improve the decision making power of the Board. This Council is well aware that there are many roads leading to a final FY2011 budget; we look

forward to working alongside the Board and general public in evaluating a detailed list of possible budget options.

Additionally, the R.A.C. notes that as part of the last round of fare and parking fee increases approved by the Board in December 2007, staff was directed to "study and report back to the Board of Directors a recommended fare policy that evaluates all aspects of fares, revenues and expenses including distance traveled, time of day, mode, capacity, elasticity and other variables that affect ridership, revenue and expenses." As part of that analysis, the Council requests that the Board fully consider and ask staff to evaluate the following fare and fee suggestions from a revenue and operational standpoint so that they can be discussed and considered in the context of any proposals for the FY2011 budget. Though we withhold judgment on any budgetary solutions at this time, we anticipate greater involvement once an analysis is complete and presented to the public as different alternatives for consideration. We suggest the Authority evaluate:

- Decreasing bus-to-rail and rail-to-bus transfer discounts, and either decreasing or eliminating the SmarTrip discount on Metrobus;
- Introducing a differential between the SmarTrip and paper farecard fare price on Metrorail;
- Adding a fare period on Metrorail during the weekday rush so that the fare structure includes three time-based tiers: reduced, regular, and peak;
- Simplifying the regular fare structure on Metrorail to reflect the three distance-based tiers used during reduced fare hours;
- Instituting an additional Metrobus fare period during the peak hour (during which the bus system is already operating at or near capacity) either system-wide or only on high-ridership bus lines;
- Adjusting the price of open and reserved parking spaces and reserved bike lockers to reduce congestion and wait lists and equalize demand with supply;
- Expanding the hours Metro charges for parking beyond the current schedule
- Creating more pass options for regular and/or occasional users as way to encourage overall ridership and thereby increase revenue. Options could include monthly passes, joint rail/bus passes, and additional short-term passes marketed to visitors.
- Increasing the age at which children accompanied by an adult are able to ride Metro for free, encouraging increased family/group use of Metro, especially at off-peak times when additional capacity exists.

Furthermore, this Council requests the Board and Authority seek out revenue and cost savings through other means, including:

- asking jurisdictions for increased subsidies as well as operational changes;

- increasing revenue from advertising and leasing space on unused Metro-owned land;

- closing low-traffic Metrorail station entrances during off-peak hours;

- ensuring capital purchases do not have higher than industry-standard operational costs.

We also strongly encourage the Board to include any proposed operational changes in the public hearing process. While including these changes as part of any public hearings may not be required, offering riders the opportunity to provide their feedback on such proposals will provide additional guidance for the Board as it makes decisions on Metro's final FY2011 budget. For instance, finding cost savings by cleaning trains less frequently may be unacceptable to riders, who would rather pay extra (or have other services cut) than have a dirtier train. Hearings are an opportunity for the Board to hear rider opinions on tradeoffs such as this.

This Council is acutely aware that many of the proposals suggested above rely on completing essential and long-delayed upgrades to the SmarTrip program. We feel strongly that technology limitations should not hinder options in the FY2011 budget debate, and request that both the Authority and the Board place a renewed focus on completing these upgrades in a timely manner.

In closing, the WMATA Riders' Advisory Council calls upon the Board to request from the General Manager a comprehensive analysis of options for FY2011 (collectively totaling more than the current budget gap), including but not limited to those listed here, that can then be fully evaluated and debated by the Board and riders during the public hearing process.

We do recognize and applaud the efforts of the Board and Authority to engage the public so early in the FY2011 budget process. We hope that meaningful outreach continues and that this Council's recommendations are taken into account when preparing the docket of possible cuts and fare hikes for presentation this winter to transit riders in the Washington D.C. region.

Sincerely,

Diana Zinkl, JD/MCP
Chair, WMATA Riders' Advisory Council

Mr. VAN HOLLEN. Thank you, Mr. Alpert. I must say your Web site that you reference is a very useful resource for all of us.

Mr. ALPERT. Thank you.

Mr. VAN HOLLEN. And I join you in calling upon our local jurisdictions to do what they can now to help ease the difficult choices that Metro is going to have to make that you pointed out.

Let me start out by asking some questions of Mr. Sarles and Mr. Benjamin.

We heard from Mr. Rogoff in his testimony, and obviously you have familiarized yourself with the FTA report. There was also the report that was commissioned by WMATA by the former general manager, Mr. David Gunn, and I assume you are familiar with that report; is that right?

Mr. SARLES. Yes, sir.

Mr. BENJAMIN. Yes.

Mr. VAN HOLLEN. OK. You have no objection, WMATA has no objection to those recommendations being made public, do you?

Mr. BENJAMIN. The recommendations by Mr. Gunn?

Mr. VAN HOLLEN. Mr. Gunn, yes.

Mr. BENJAMIN. This was a confidential report that was given to our board, and we have summarized the recommendations that he made, and that has been provided to the press. We would appreciate it if the report, itself, were left as a confidential report.

Mr. VAN HOLLEN. I would encourage you and will work with you to try and make sure that all the recommendations that were made to WMATA are made available to the public. It seems to me WMATA is a public agency. This was done with the purpose of trying to strengthen the safety of the system, and I think I would strongly encourage you to work with us to make sure that those findings and conclusions are made available.

Mr. BILBRAY. Mr. Chairman, might I inquire here?

Mr. VAN HOLLEN. Yes. I think that we will pursue this between now and the end of the hearing, because we feel strongly that this information—that the public has a right to know this information.

Mr. BENJAMIN. We will be happy to work with you on that.

Mr. VAN HOLLEN. I don't know if—well, let me move on, because I am going to ask you some questions about the Gunn report, which are also relevant to this hearing.

Mr. Sarles, have you had a chance to familiarize yourself with the Gunn report?

Mr. SARLES. Yes, I have.

Mr. VAN HOLLEN. OK. So my question to the two of you is: we have now heard from Mr. Rogoff. You have heard his testimony, which said we need a top-to-bottom change in the safety culture at WMATA. He said safety concerns were marginalized. He has gone on to issue his report with specific recommendations, and Mr. Gunn has also issued a report with recommendations. My question to the two of you, one as interim general manager the other as chairman of the board: do you agree with the recommendations that were made by the administrator? To the extent you do not agree, please elaborate. And do you agree or disagree with the recommendations that were made by Mr. Gunn? That is why it is going to be important that we make this information available to the public.

Mr. SARLES. Simple and clear answer is yes, I agree with the FTA recommendations, and yes, I agree with Mr. Gunn's report, based on my own experience in the industry.

Let me talk to the FTA recommendations first. They hit on communications, they hit on hazard analysis, they hit on roadway worker protection. That is the basic areas when you look at the details.

My first impressions—only 3 weeks here—is certainly there is need for significant improvement in communications within WMATA. And this doesn't extend to just safety, but it is the nature of the current nature of the operation. I think that is just reflective of what has happened over the last few years in terms of funding, changes in administration, reorganization, changes in leadership, safety officer being one case, general manager being another case. So there is a tendency to go into silos. That has to be changed, and I have already started working on that.

With regard to hazards analysis, to me one of the important things is that you anticipate problems before they become accidents. Doing hazard analysis, getting near-miss reports, getting good upward and downward communication helps you identify those problems before they become major problems and address them and avoid those accidents, so that is extremely important.

The whole issue of roadway worker protection is extremely important. When I worked at Amtrak, I personally got trained in that because I was out in the right-of-way. I understand how important that is. So there has been a very active effort underway, started certainly before I got here, involving the staff that work there, the unions, in a very collaborative approach, including representatives from the TOC, to develop a very robust worker protection program. That is well underway. It is expected that the actual manual be issued by the end of the year.

One of the most important things that goes with all of this is training. People have to be trained to understand what is right, how things should operate, and then that should be reinforced. That has to be done, and that is some of the points that Mr. Gunn made. I agree with him that the fact that there has not been sufficient investment in state of good repair, which is not unusual for this particular Metro rail—it is the same thing in other parts of the Nation—does affect the level of reliability operation, certainly over time could affect the safety of the operation, but safety has to remain No. 1 priority. And you have to have the leadership in place, a stable leadership in place that continually focuses on safety and state of good repair. If you continue to change the leadership, it impacts the ability to do that.

Mr. VAN HOLLEN. Thank you.

Mr. Benjamin.

Mr. BENJAMIN. Mr. Chairman, let me first of all associate myself with Mr. Sarles' remarks. I agree with what he said, and I fully support all of the positions relative to the FTA report. I think it has brought up some significant issues, all of which we have to do substantial work on, and I am very pleased that Mr. Sarles has started on that process, and we have every intention of completing it and dealing with the issues that have been raised and, in par-

ticular, those associated with the safety culture and communications.

One of the communications issues which Mr. Gunn also raised was the concern about what he called kill the messenger. That is, where a staff person tries to report information up the line and, instead, is criticized for it as opposed to supported for it and told that if you have identified a safety issue it is a great concern. Those kinds of things need to be changed, and we are going to have to make a major effort to improve our communications and change the overall culture of the system from the bottom to the top.

There are areas in Mr. Gunn's report where he has made recommendations that reflect his personal bias as an individual or his personal history. As you know, he was with this Authority for a limited period of time as a general manager, and, in fact, during that time he was the person who appointed me the chief financial officer of Metro, and so I am a strong advocate of Mr. Gunn, and I was one of the people who strongly wanted him to come in. But he is one voice among many, and all of his opinions are not necessarily those that we on the board would fully agree with.

What we did is we asked him to come in, knowing that he had that type of experience and tendency to make reports, so that he could be one of many voices that we could hear in making decisions.

That having been said, I am not sure I agree with his suggestions for organizational structure, would tend to move toward traditional rail organizations, inner city rail organizations and how they would structure, as opposed to transit rail organizations, but that is something that I think I would rather leave to the general manager, the interim general manager, and the permanent general manager when they are selected.

And I think his positions on governance reflect an experience that he had many years ago, and not necessarily the way that the board and the senior staff at Metro work at the present time.

Mr. VAN HOLLEN. Right.

Let me just be clear. I want to commend the board for bringing him in, No. 1, and recommendations. I think that those recommendations are all in your binders. As a committee, we believe the public has a right to know. We intend to release the report. I think it is important that it be done with your testimony, because I think no one is suggesting that it is going to be adopted, it has been adopted by WMATA. They are recommendations he made. You may agree with some of them, you may disagree with some of them. Within that context, I think it is important to make it available, because it is part of the public discourse. You, as stewards of WMATA, are obviously critical to that oversight process, and it should be part of the dialog.

I appreciate the fact that you indicated where you may have some disagreements with his recommendations going forward.

Let me turn it over to Mr. Bilbray.

Mr. BILBRAY. Thank you very much.

First of all, I think, Mr. Benjamin, I think I should give you a chance to respond to my diatribe about the system's preemption of use of technology and the way we stacked it up. I mean, do you have any defense or counter to my statement about the fact that

we are actually using technology in a way that was assumed to be the cutting edge for the future in the 1960's and the early 1970's, but by 1980 we knew that—at least a lot of people were claiming that was a wrong assumption?

I think in all fairness we ought to remember that a lot of these systems back in the late 1960's and early 1970's were designed with the assumption there would not be an operator in the cab, and later that was stuck in.

Your comments on that, as somebody who has been on the board?

Mr. BENJAMIN. Congressman Bilbray, let me first note that one of the observations that you made is really important, and it applies very strongly to Washington Metro. When the Metro system was originally put together, when our compact was passed, the direction was for Metro to build but not operate a rail system, and it was not to run a bus system. So the people who originally designed and built Metro were not operators and were not trying to deal with operators. It was only after the system was already under construction and most of the policy issues which you have discussed had already been decided by those people that, in fact, the Congress came back to Metro and said, well, why don't you run it also, and while you are doing that why don't you run the bus systems in the Washington area.

So the original concept of Metro was not the integrated build and operate, and so that did cause a number of issues throughout the design of the system that we probably today would not have done the same way knowing what we know. I suspect that is true about every rail system.

Specifically on automation, I would say that is a really difficult issue. Certainly if you are building a light rail system, I would agree completely with the concept that you have put forward that you don't want to have full automation, because there are too many potential ways that there can be incursion onto the right-of-way. In a heavy rail system, there is a balance here, and I am not sure where that balance is. Certainly, you are absolutely right if you take all functions away from the operator you have reduced the attentiveness of that operator and the ability to respond. Now, that having been said, we have multiple cases where operators have, in fact, respected very effectively in overriding the automatic system.

Mr. BILBRAY. Let me interject here. I understand that, and I understand that the assumption is that automation allows you to basically get more ridership, more trains, that the safety boundary there is better with automation than hand operated. That is the theory. But, again, it comes back down to the fact of that response time of somebody who is not in operation. The theory doesn't seem to pencil out when you come down to real-life facts that people, after year after year of not responding, has a very slow response time, right?

Mr. BENJAMIN. Congressman Bilbray, one of the things that we have discovered is that people tend to pay less attention, as you might imagine, if they are in an automated system.

That having been said, one of the things you can do is to increase the number of tasks that they do have to carry out while they are in that system, and, as Metro has operated as an automated sys-

tem, keep in mind that we don't even have to do station announcements with our operators opening and closing doors and several other functions. Those functions have been deliberately turned over to the operators to cause them to keep their attention.

That having been said, Congressman, I don't know where that line is, I must admit. That is certainly worthy of substantial additional research.

Mr. BILBRAY. OK. And let me just say, as somebody who has had to put together the governance board, I totally understand why the unanimous issue was brought up. You have three sovereign States that do not want two basically dictating to the other. I understand that. The issue of rotation of Chairs, though, may seem symbolic, but operationally it is a very, very important issue because if you rotate that makes the general manager really the front line of governance, and the fact is that the rotational really does not give you somebody on the board who has hands-on, long-term responsibility on this issue.

Has there been any discussion at all about modifying that, or is that locked into this tri-State agreement?

Mr. BENJAMIN. No, Mr. Congressman. It is not locked into the agreement, it is a practice of the board, as opposed to any legal requirement.

Mr. BILBRAY. I appreciate that courtesy.

The operational issue from the Union's point of view?

Ms. JETER. I agree with you wholeheartedly. As an operator—I operated a train from 1987 to 1997, when I became an interlocking operator—operators have complained about the automation of the system, and they did then, even though now they are operating in manual, because it took away all of your skills. Unless you worked a yard operation—and you have a two-man team in 9 yards, and out of 400-some operators you can tell how many people actually get the opportunity to do that. That is what hones your skills. And there was a constant, I think, behavior of taking away the duties of the operator. Making a station announcement is one aspect of it, but if your train broke down you didn't even get the opportunity to go back and troubleshoot it to repair it. Someone else did that. So you eroded your skills on a regular basis.

Then we went into the process where we used to have kind of like a pre-certification day where you would more or less go into a training mode and you re-train and you kind of hone your skills a little bit and then you would certify. That was taken away.

So I think where safety is concerned there has been a process where the operator has really become very redundant. And then all of the sudden, when we start having system failures, one that is not talked about on a regular basis was when the operators went to total door opening, because there is a problem with that, that is not talked about. The operators now open and close the doors in manual, and even through that process they are thrust back into this manual operation and they are expected to perform the same way that the train would when it is operating in automatic with the scheduling and all of that, and it does not work that way.

Mr. BILBRAY. Thank you.

Thank you, Mr. Chairman.

Mr. VAN HOLLEN. Thank you.

Ms. Norton.

Ms. NORTON. First of all, I want to say how much I have appreciated this testimony. I always judge testimony by whether I learn something. Particularly from your, Mr. Sarles, did I learn that some measures have been taken to improve safety. That was a very important goal and objective of this hearing.

Could I ask all of you whether you would support legislation to create an independent TOC funded by the respective State legislatures? Could I just ask all of you for a yes or no answer?

Mr. Sarles.

Mr. SARLES. I think it is important that the oversight agency be independent and that it be well funded and well resourced to be effective.

Ms. NORTON. Well, of course you have heard testimony of Mr. Rogoff beforehand that it is unprofessional to fund by those being examined, shall we say, so it is a two-part question. Do you favor it? And do you favor the independence that would come from direct funding from the legislatures of the respective jurisdictions?

Mr. SARLES. And I favor them being independently funded, and that they should be independent.

Ms. NORTON. Thank you. Mr. Benjamin.

Mr. BENJAMIN. I agree with the statements that Mr. Sarles made. I would add to that and point out that at the present time they are independently funded. They are not funded by Metro, they are funded by——

Ms. NORTON. Well that is important for the record. They are not funded——

Mr. BENJAMIN. They are not funded by Metro. They are funded by the States and the District.

Ms. NORTON. What is the present level of funding, Mr. Benjamin?

Mr. BENJAMIN. The source of the funding is different, I believe, in each one of the areas.

Ms. NORTON. Well, each of the three jurisdictions. Mr. Bassett, first of all, do you favor an independent TOC? And if you are independently funded, what is your funding and do all three jurisdictions contribute, and in what proportions?

Mr. BASSETT. I will try to answer each one of those questions individually.

In response to your first question, it has always been the position of the TOC that we support any initiative that overall improves the situation of rail safety in the Washington area and the Nation. We do not take specific positions on individual legislative proposals.

Regarding where our funding comes from, we are funded by the three individual State agencies that——

Ms. NORTON. At what level, please?

Mr. BASSETT. Each jurisdiction contributes its own level of personnel in terms of——

Ms. NORTON. I am asking for the budget. What is it?

Mr. BASSETT. I don't have those numbers.

Ms. NORTON. You don't know what the budget is?

Mr. BASSETT. I could not specifically tell you how much each jurisdiction spends in salaries and benefits.

Ms. NORTON. Could you tell me what the total budget is for the TOC?

Mr. BASSETT. I can tell you how much we spend on an annual basis for consultant support.

Ms. NORTON. Do you have a budget, Mr. Bassett?

Mr. BASSETT. Yes, ma'am, we do.

Ms. NORTON. What is the budget?

Mr. BASSETT. We receive——

Ms. NORTON. You are the chairman. What is the budget, sir?

Mr. BASSETT. Each year each jurisdiction contributes $150,000 to the TOC through our administrative——

Ms. NORTON. That is $150,000 each?

Mr. BASSETT. Yes, but that does not include salaries, benefits, or any of the other support that we receive for training or certification.

Ms. NORTON. Where do the salaries and benefits and support, where does that funding come from?

Mr. BASSETT. That comes from the governments of the State of Maryland, the Commonwealth of Virginia, and the District of Columbia.

Ms. NORTON. So, Mr. Benjamin, they are not independently funded? They get their salaries—well, I don't know. They get their budget from the legislatures. They get their salaries somehow, not from the legislatures but from the county and the city governments? Maybe that is it. Maybe that is the independent funding.

Mr. BASSETT. We are employees of State agencies and our funding comes from those individual State agencies.

Ms. NORTON. Mr. Alpert, did you have a contribution to make on that score?

Mr. ALPERT. I was just trying to clear up the confusion, which I think was that my understanding is that they are not employed by a separate organization, the TOC, but rather by the Departments of Transportation, so you were sort of asking the question——

Ms. NORTON. Well, that is a very important answer. So the TOC is not an entity that has employees, including yourself, Mr. Bassett?

Mr. BASSETT. No, ma'am. The TOC is a creation of a memorandum of understanding between the three jurisdictions. It is more of a joint task force between three government agencies.

Ms. NORTON. I can understand. That is very important to know. We don't have an organization; we have a task force as a safety oversight mechanism.

Ms. Jeter, do you support an independent TOC funded independently by the respective jurisdictions?

Ms. JETER. Yes, I do. And I believe that the reason why it needs to be independent, you know, there is this, for lack of a better term, there seems to be a relationship that is there between TOC and the Authority, and I believe that, although, yes, they have to work together to get information, I think that the TOC does need to be more independent so that it does make the kind of recommendations and actually see them through to its completion to make the safety with WMATA more effective.

Ms. NORTON. Mr. Sarles, I was almost heartened by your testimony. I would think your testimony was, alone, an important reason to have this hearing, because I am not sure the public knows or knew before this hearing the specifics of what you say are now in place as some improvements in safety mechanisms.

Could I ask you whether the TOC was a source of any of these improvements or whether they were internally generated, whether they came from the Gunn report? Could you tell us the source of these improvements?

Mr. SARLES. They came from all those sources. We took into account we heard from TOC, from the FTA, from Mr. Gunn, and, frankly, from our own employees.

Ms. NORTON. I would like to ask Mr. Bassett to clear up some confusion at least I have from his testimony about this new plan that has gone into effect. You refer to it in your testimony and you say the two Governors and the mayor considered both the possibility that FTA might directly take over the safety oversight mission for WMATA and that their jurisdictions might establish a Metro safety commission in place of the TOC. Now, what exactly does this new proposal establish?

Mr. BASSETT. The proposal is broken into two individual phases. The first, which is the interim phase one, creates a TOC policy committee which provides direct access from the TOC to policymakers of the three jurisdictions. It increases the administrative and executive authority available to the TOC chair to respond quickly and effectively to Metro's developing safety situations, and it provides for a more stringent schedule of reporting of safety concerns, both to our own policymakers and to leadership at Metro, including in public forums such as at the Metro board meeting.

That is the interim plan that is going to go into effect in very short order, as soon as the memorandum of understanding which establishes the TOC can be revised.

The longer plans that you noted in your question are an evaluation of the fact that the three jurisdictions who established the TOC want to look beyond the immediate time period for a sustainable and strong long-term model of oversight at Metro. Obviously, this will depend very heavily on legislation that comes from the Congress regarding the FTA's proposal.

Ms. NORTON. Well, could I say to all who assemble here, don't wait on the Congress please. It is very difficult to get something through the House and the Senate. We passed this out of committee some months ago, a couple of months ago. It is not even to the floor yet. That is why I am concerned and want to know more about this Metro safety commission.

Do any of you see any reason why the local jurisdictions can't establish a Metro safety commission now?

Ms. JETER. If I can, there is no reason why.

Mr. VAN HOLLEN. Can you hold for 1 second? I am going to have to leave and I want to turn the Chair over to Mr. Connolly, who obviously has been focused on Metro for a very long time.

As I leave, I just want to share in the comments Ms. Norton is making and I am going to ask Mr. Connolly also to followup on the white paper, because I think we all have serious questions about

when this is going to actually be implemented and meaningful, as opposed to in more concept form.

I really appreciate those questions.

Without further ado, let me turn it over to Mr. Connolly and thank the witnesses.

Ms. NORTON. Thank you, Mr. Chairman. And welcome, Mr. Chairman.

The reason I expressed some concern is I would have expected—and I know, Mr. Bassett, you are not the one to propose this, but this is a hearing where we have to lay out where the responsibilities are. I would have expected something like this kind of improved task force to come forward literally within the month after nine people lost their lives. Now we have almost a year, and we have the same kind of a task force, only better reporting, better communication, as I see it, no new powers, not even a proposal for the legislature to consider powers, not even a proposal for a commission, even if we are not ready yet for what it would take to establish a commission.

That is why I must ask you, given the timeframe, and with the certainty that you shouldn't be waiting for the Congress, whether or not these local jurisdictions on their own should be now establishing a Metro safety commission, whether you see any reason, any impediments to such a commission being established.

Mr. CONNOLLY [presiding]. If the respondents could be concise, because the time of the gentlelady has expired.

Ms. JETER. Ms. Norton, if I may, that is one of the problems that has been occurring and continues to keep occurring. We have commissions upon commissions. We have committees upon committees.

Ms. NORTON. This is not a study commission. This would replace the TOC.

Ms. JETER. Even to replace the TOC, I mean, replacing the TOC is only one aspect of it. There needs to be and there should be concise procedures and standards in place now, if no other time. We have had—you know, we talk about the nine deaths in the public, but prior to that we had deaths of employees, and nobody did anything. There has been no study, there has been no group, there has been nobody coming together to talk about what needs to be done. And now all we do is continue.

Mr. Gunn did not have to come here to tell WMATA what it needed to do, and it will not listen to those individuals that are inside, that are here, that are doing the work, that continue to say we need to start doing thus. They have that already.

Ms. NORTON. Ms. Jeter——

Mr. CONNOLLY. The time of the gentlelady has long expired. We may have an opportunity to have another round.

Mr. Clay of Missouri.

Mr. CLAY. Thank you so much, Mr. Chair, and let me thank you for holding this hearing.

You know, thousands of residents utilize the Metro system daily, and many of these riders are our very own Federal workers who make our jobs possible, and so to ensure the safety of them and others I am looking forward to finding solutions to existing problems and addressing some ongoing concerns.

With that, let me start with Mr. Benjamin. I am interested in the progress of the Dulles rail extension project. I am aware that this is a joint venture between WMATA and several other authorities in that initial funds are being raised through toll increases and commercial taxes. However, looking further down the line, will WMATA's current financial troubles affect future phases of the extension?

Mr. BENJAMIN. Mr. Clay, that extension is fully funded by the State of Virginia and is being carried out by the Airports Authority, so all funding issues are Virginia issues as opposed to Washington Metro issues.

Mr. CLAY. How about the projected ridership? How does that compare to other lines that are in existence today?

Mr. BENJAMIN. Mr. Clay, I am not really extremely familiar with that project because it is not a project which the board has been intimately involved in because it is a Virginia project. I don't know if Mr. Sarles knows that any better than I.

Mr. CLAY. But you will maintain it once it is up and running?

Mr. BENJAMIN. At some point the built system will be turned over to Metro, and Metro will operate it and maintain it.

Mr. CLAY. Mr. Sarles, can you inject anything into that?

Mr. SARLES. I can't help you out much with the ridership. That hasn't been my focus in the first few weeks. It has really been on safety and state of repair.

I will add one thing, though. While the funding is from Virginia, and I guess the Airports Authority for the construction, ultimately with WMATA taking over the operations and maintenance, we all have to keep in mind that there will have to be more funds made available for operations and maintenance so that it is maintained in a state of good repair from the very get-go and not left to deteriorate.

Mr. CLAY. Let me also ask about another concern, the perceived ability to keep up with safety issues. We cannot add ridership on this new line without being able to ensure their safety. How can we be sure that the current backlog of maintenance needs affecting the Metro system will not affect the Dulles extension?

Mr. Sarles, do you want to take a stab at it? Or maybe I should hear from Ms. Jeter. She may have something to say about it.

Mr. SARLES. The existing system has to be brought back up the a state of good repair and the money has to be made available to do that. If you ultimately don't bring the existing system up to a state of good repair, it is going to affect any new construction.

Mr. CLAY. Ms. Jeter, anything to add about a new line coming on and being able to maintain it and make it safe?

Ms. JETER. I think with a new line you have probably less worries than you do with old lines. With a new line coming on, you know, the equipment is new, it works like it is supposed to, and everything is done according to plan. It is only when the lines become aged and older that you have more problems.

I honestly, from the operators and knowing them, I don't believe that if WMATA—if WMATA takes steps immediately, that should not be a concern, Mr. Clay. It should not be a concern on whether or not the lines are going to act effectively or whether WMATA can

effectively run new lines. I know they can do that, but they do have to make some changes quickly.

Mr. CLAY. Thank you.

Mr. Sarles, although you have had only a short time in your current role as interim general manager for the system, your testimony states that you have worked in public transit for 40 years. From your perspective, do you believe that the agency's general managers have enough authority and enforcement power?

Mr. SARLES. Yes.

Mr. CLAY. Yes, you do. OK. Do you believe that the general managers are armed with enough information on a daily basis to make informed decisions?

Mr. SARLES. I believe that the information systems at WMATA have to be improved significantly. Safety is an example, where the incident reporting is not systematically kept. There are efforts underway, and we hope this summer to have a system in place that can systematically record all that incident information. So the answer to your question is there is work to be done in that area.

Mr. CLAY. Thank you so much for the panel s response.

I yield back, Mr. Chairman.

Mr. CONNOLLY. I thank the gentleman.

By the way, with respect to the gentleman's question on rails to Dulles, it is a $5.5 billion project. It is proceeding smartly. It is under construction as we speak. It is important to note that the original Metro system was built with 80/20 Federal money. Of the construction, 80 percent was financed by the Federal Government. When rail to Dulles is completed, 16 percent of the cost will be borne by the Federal Government. If you want to see a dramatic retreat in terms of Federal funding for transit in the construction area, rail to Dulles is a great example.

The first time we ever talked about rail to Dulles in a Federal document was 1962. Forty-seven years later we signed the full funding grant agreement, which I guess is warp speed in the Federal context.

Mr. CLAY. And, Mr. Chairman, that really highlights the point that the Federal Government depends——

Mr. CONNOLLY. Yes.

Mr. CLAY [continuing]. Quite a bit on this system, and they should also have a share——

Mr. CONNOLLY. To the premier airport in the Nation's Capital, essentially the Federal Government has said, You think it is a good idea, local government, you pay for it. And it is entirely borne by Virginia entities, including the Airports Authority, who have to figure out how to pay for this.

Mr. CLAY. Perhaps we can find something to share with the gentleman.

Mr. CONNOLLY. And I think it is important, the point Mr. Sarles and Mr. Benjamin made. Once the Metro system accepts the fully constructed line, then again the local jurisdictions—Ms. Norton's, mine, Mr. Van Hollen's—we bear the full subsidy cost of bringing that into the system. The Federal Government bears zero responsibility, which is the problem I have with the current system.

Let me ask Mr. Sarles and Mr. Benjamin, it has been suggested that the real problem with Metro is mismanagement and organiza-

tion and communication; it really isn't a matter of resources. Mr. Sarles, welcome. I know you are new, but I would welcome your and Mr. Benjamin's take on that. Is that true that really it is not the whole question of safety and performance, really isn't a question of resources?

Mr. SARLES. First impressions, 3 weeks——

Mr. CONNOLLY. Yes.

Mr. SARLES [continuing]. Is that it is a combination of the two. I think that when you have an organization that maybe has not had the full amount of resources available to it to spend on state of good repair it begins to have an effect on the employees and the management in terms of the ability to really do what they believe is necessary.

Then you add on top of that the fact that there have been a number of changes in leadership, you are losing people who have 30 years experience getting ready to retire, not necessarily replaced, one of the first things I am doing is trying to just fill the holes in the organization where we have lost that experience, we have lost that leadership, to create a foundation again to build it back into the organization it should be.

Mr. CONNOLLY. Mr. Benjamin.

Mr. BENJAMIN. I would echo Mr. Sarles' comment that it isn't one or the other, it is really both. Clearly, if we have not made the investments that we need to make in replacing our infrastructure and our equipment, that is going to have an effect on safety. On the other hand, we also have a clear problem with our safety culture. We do not live safety from the general manager all the way down to the last track worker and operator. It is something that needs to be improved. Clearly, also our communication needs to be improved.

So we have to be working in both areas, and neither one by itself will be sufficient.

Mr. CONNOLLY. Can I ask you each briefly: is it a fair proposition, though, to say what is missing at the table in terms of subsidies, operating subsidies on a day-to-day basis, is Federal dollars?

Mr. BENJAMIN. I certainly agree that additional sources of funding would be very, very good, and having the Federal Government participate by adding funding would tend to make some of the decisions, such as the ones we have right now, an awful lot easier.

Mr. SARLES. I agree with that.

Mr. CONNOLLY. Yes. I think we have to recognize the uniqueness of the relationship. This is not Wyoming or—I mean, this is the Nation's Capital.

Ms. Jeter, would you say that personnel cuts might have some impact over time on safety and efficiency and operational issues, and that those personnel cuts are all about saving money?

Ms. JETER. Yes. Yes, I would. I think that any time you make not only personnel cuts but severe service cuts you are weakening your system.

Mr. CONNOLLY. And would you say that all of that is related to the issue of resources?

Ms. JETER. Yes. And I do agree that there needs to be operating money.

Mr. CONNOLLY. Mr. Bassett, one of the critiques in the past, especially in a series of Washington Post stories, was that your organization sort of lacks teeth, doesn't really have any binding powers over the safety operations of Metro, and that almost consistently Metro has denied you and your colleagues and entities controlled by you access to the system in a timely fashion whereby you could detect or report on or make recommendations about potential safety violations. What is your take on that critique?

Mr. BASSETT. I think the FTA administrator did an excellent job outlining the regulatory framework under which we operate earlier today and the limitations we face in being able to regulate a rail transit system, which are very similar to the regulatory limitations that most other State safety oversight agencies face, so I don't believe we are unique in that regard.

In regards to WMATA not permitting access to the Tri-State Oversight Committee's auditors, that was really an issue that revolved around our ability to access the live right-of-way. We were attempting to conduct an audit on whether or not the Authority was complying with its track worker safety protection rules, and while it was covered in the media, I am happy to note that, through increased coordination with both the Board of Directors and WMATA leadership, that issue has been satisfactorily resolved, and we were, in fact, able to go out, complete the audit, and the audit was released on our Web page in December noting a number of issues and deficiencies in terms of gaps between operating practices and what was written in the rule book.

So while I believe it is a very significant concern, I think coordination between our groups has addressed that, and the proof is in the proverbial pudding of the audit we were able to generate.

Mr. CONNOLLY. I thank you. My time is up.

The gentlelady from the District of Columbia is again recognized for 5 minutes.

Ms. NORTON. Thank you, Mr. Chairman.

Mr. Chairman, I want to join you in the notion of operating subsidies, and I want to also note what it took for you to get the rail line to Dulles. I don't want anybody to leave the table with raised expectations. It took us 7 years even to get the thing authorized over here. We didn't get the first $150 million, and I am convinced we wouldn't have gotten it out if the people hadn't been killed. So as much as it is fair, particularly given the utter dependence of the Federal Government and the way in which Metro is running out of money, I don't want anybody to leave this table, go back to their jurisdictions, and say even the Congress thinks we ought to have operating subsidies.

I can tell you this, that the entire region does, but most of the Congress didn't even think that we should be paying for capital spending, even after we grounded year after year into their heads that we were talking about Federal employees.

Look, you have all testified that there should be an independent TOC. My question was a followup, simply said would that mean—I am calling it by another name, the Metro safety commission.

Mr. Benjamin, you see the problem is I am dealing with the people who would be regulated. We don't have anybody at the table who is truly independent. And in order for there to be a commis-

sion, somebody would have to put in a proposal at the next session of the legislatures for a commission. And I can tell you one thing: when we told them to put in a proposal for the States to get their share to match our $150 million, it even took them some time to do that. D.C. did it right away. It took Maryland and Virginia 2 or 3 years to do it. And already we have been waiting a full year after people were killed and, Ms. Jeter is right, after employees have been killed for 10 years before that.

So I would like to see a Metro commission if we are going to have one, an independent TOC, call it what you want to, come through the respective State legislatures this coming legislative season.

Does anyone see any reason why that should not occur? Let me put it that way, without asking you to have someone regulate you. Any of you see any reason why that should not occur?

[No response.]

Ms. NORTON. Could I ask you, Mr. Sarles, the lives were lost in 1970's vintage cars. You only get $150 million per year from the government. Is all of that money being used to replace those cars that went up like an accordion, whereas the somewhat later cars that was behind it, no one was killed? And does that mean that the entire $150 million per year is going to cars, or when will the cars, those 1970's cars, be gone?

Mr. SARLES. First, to answer your question about will the $150 million every year go solely to the cars, the answer to that is no. In addition to paying for the replacement of the 1,000 series cars, it will also go to basic state of good repair, tracks, signals, that sort of thing.

The time it takes—and we are about ready to recommend to the board very shortly that we award the contract—it takes 3 to 3½ years to get the first cars. That is just the nature of the industry, because they have to be designed, the pilot cars have to come out, they have to be thoroughly tested, and then manufacturing starts.

Ms. NORTON. So the cars haven't even been manufactured that we are going to buy?

Mr. SARLES. No, ma'am.

Ms. NORTON. They are not sitting on the line waiting to come and we have another 3-year wait on cars that should have been out of service decades ago.

I do want to say, Ms. Jeter, how much I appreciate what the Union did. It is the Union that made a common-sense suggestion, but it is a suggestion that came out of the Union's experience that at least those 1970's cars not be made the caboose and the front end. And when I asked the NTSB at hearings we had earlier why they hadn't made that common-sense suggestion, they replied that, you know, we try to make suggestions for what is the perfect solution.

The committee that is designing the legislation that is now, frankly, waiting to go to the floor for Metro system safety throughout the United States has taken what happened with respect to Metro and we now are requiring the NTSB not to give us, as they did for 10 years, the most costly suggestions, knowing full well that WMATA did not have the money, rather than using their expertise also to give interim suggestions that might have saved lives.

That is why I respect, Ms. Jeter, the testimony of the Union, because you do know, from everyday experience, what this system needs. You seem to believe that the WMATA board is a central part of the problem, but if we were not to have this WMATA board with all these jurisdictions having a say have you thought about what kind of system we would replace it with, since after all they are all putting a lot of money into this system each year?

Ms. JETER. Let me say this: I know that the board, the WMATA board, is necessary because of the three jurisdictional type of governance that we have. I understand that they are necessary. I question their role, and the reason why I question their role is simple: we have had probably, what, six or seven general managers since the deaths began, and it has not stopped. I don't see a line item in the budget anywhere that talks to safety or specifically says that this is for safety. We don't have any budget line items there.

And I am frustrated, because where individuals sit and they come in front of you and they talk about what they want to do and all the good things that are supposed to happen, when we go back and we watch it every day it does not happen. I think that board has a direct responsibility to make sure that occurs, and it has not happened.

Mr. CONNOLLY. Is there anyone else who wishes to address that question, because the time of the gentlelady has expired.

Mr. SARLES. I would just like to say, with regard to what Jackie just mentioned, that when we discuss with the board tomorrow the revised budget, I specifically am putting money in there for safety-related issues, both on the operating and capital side.

Mr. ALPERT. Could I also——

Mr. CONNOLLY. Mr. Alpert.

Mr. ALPERT. If I may, the Riders Advisory Council doesn't have a position about the board governance specifically. My personal opinion is that I think that, while changes might be useful, I think that is not really going to get at the heart of the issues. When we look at, for example, the safety, and speaking to the TOC questions from earlier that Ms. Norton was making, the board was very surprised to find out that Metro had not permitted the TOC access to the tracks, and they immediately jumped in and took strong action to ask the TOC to bring to them any issues that might come up where Metro would deny them access to something in the future.

I think that sort of reveals two things that troubled me. One is the sort of general lack of transparency from the Authority in the past about what is going on within it as far as these issues. Second, I am a little bit baffled that the TOC sort of went for several months being stymied and didn't actually tell the board members or tell the public, and it wasn't really until the Washington Post sort of found it out through FOIA requests that anything happened. I know there may be legal restrictions on what they can do and that sort of thing, but it would seem that we need the TOC to at least feel free, if they are feeling like something is really wrong, to jump up and down and tell the board, the press, their friends, whatever, you know, there is something wrong here.

Likewise, you know, it was good to hear that Mr. Sarles was promising to have some metrics that would be revealed to the rid-

ers. I think that, from the point of view of the riding public, we still don't really know what steps Metro is going to take to fix things. There is a lot of information that people don't have about what is going wrong, and I think that may be why there is some frustration that I perceive from you, as well, that what exactly do we need to do to fix this, what is the problem here.

I think we need that transparency into information, and I don't think the board is necessarily restricting it, except maybe with the Gunn report issue, which I would like to see public as well, but generally some board members tell me that they don't have a lot of this information either. Sometimes they are frustrated that they can't get it.

Mr. CONNOLLY. Thank you.

Mr. Bassett, were you——

Mr. BASSETT. If I could just briefly address the transparency aspect of Mr. Alpert's comments, it is a significant priority for our executive leadership to ensure that the TOC going forward is transparent and accountable. After the July hearing of last year and Ms. Norton's comments, we were able to secure Web site space on the D.C. DOT Web page. We are now working on establishing an independent Web page that is solely for the TOC so that you won't have to go through an agency Web page.

I think it has been a significant improvement over the last few months that we have been able to coordinate so closely both with our executive leadership at our home agencies, as well as with the board and the WMATA executive team.

Mr. CONNOLLY. Thank you. And I thank the gentlelady.

I want to thank our distinguished panel of witnesses.

Without objection, the record shall be left open for 7 days so that Members may submit information for the record.

Without objection, I will enter this binder of hearing documents into the committee record.

The committee stands adjourned.

[Whereupon, at 12:52 p.m., the committee was adjourned.]

[The prepared statements of Hon. Mike Quigley and Hon. Gerald E. Connolly, and additional information submitted for the hearing record follow:]

"THE WASHINGTON METRO SYSTEM: SAFETY, SERVICE AND STABILITY."
OPENING STATEMENT – CONGRESSMAN MIKE QUIGLEY

April 21st, 2010

Millions of people nationwide rely on public transit. Today, roughly 42% of all the commuters who entered Washington D.C. will have used either Metrorail or Metro bus. In my North Chicago district alone ridership will be close to 225,000 rides and in the Chicagoland area over 2 million people will have taken public transportation. In Chicago transit is not only one of the key economic engines, providing access to jobs, healthcare and education, but it is also a critical solution to alleviating the congestion that plagues our region.

While it is apparent that certain issues need to be addressed at WMATA and many transit agencies across the country, it also worth noting that management restructuring, hiring freezes, layoffs, and fare increases alone will not fix the problems.

In addition to management reforms, our transit systems need capital. A 2009 Federal Transit Administration study of the nation's seven largest transit rail systems, which together carry more than 80% of the nation's daily rail riders, identified a $50 billion capital reinvestment and maintenance backlog that is needed to bring those systems into a state of good repair. The study also estimated that more than one-third of the seven study agencies' assets, which included transit systems from Chicago, New York, Boston, San Francisco, New Jersey, Philadelphia, and Washington, D.C., were in either marginal or poor condition. The needs of older transit rail systems are no more apparent than in Chicagoland where mass transit plays a critical role in the everyday lives of the residents, but many parts of the system are over a century old and they continue to deteriorate due to a lack of funding.

We cannot expect to rely on efficient and safe systems unless we are willing to pay for it. It is my belief that without the dedicated funding stream necessary to bring systems into a state of a good repair and the ability for transit agencies to use federal dollars for preventive maintenance and operations we will continue to see the problems we are seeing here in D.C nationwide.

Opening Statement of Congressman Gerald E. Connolly, VA-11

"The Washington Metro System: Safety, Service, and Stability"

April 21st, 2010

Based on my experience working with Metro at the local and federal level for over 15 years, I strongly believe that enhanced federal oversight of WMATA must be accompanied by enhanced federal funding. This morning, 40% of all Metrorail passengers were federal employees coming to work. Approximately 42% of all commuters entering Washington, D.C. used either Metrorail or Metro bus to get to work. Half of all Metro stations serve federal offices. Without this service, federal agencies could not function and our region's transportation system would be utterly gridlocked. As Interim General Manager Richard Sarles noted, President Lyndon Johnson recognized this need when forming Metro, for which he said "the federal government has a unique interest and responsibility," recognizing that "improved transportation in this area is essential for the continued and effective performance of the functions of the government of the United States." If anyone doubted federal reliance on Metro, our inability to open during February's record snowstorms that closed aboveground Metro should have dispelled those doubts.

Despite federal dependence on Metro, however, the federal government does not pay a dime in operating expenses, and we just started allocating regular capital funding last year, which will be matched by Virginia, Maryland, and the District of Columbia. Given the burden the federal government places on this system, where each federal commuter's fare does *not* pay the per capita cost of using the system, we cannot possibly expect to enjoy a sufficiently safe system unless we are willing to pay for it.

We cannot expect a free lunch consisting of federal safety mandates without funding. While such an approach might earn headlines for those of us who legislate, it would do nothing to improve safety for Metro riders or employees. While there may be an appropriate place for additional federal oversight, it will not be efficacious in the absence of federal operating funding. WMATA Board of Directors Chairman Benjamin correctly assigns responsibility to the federal government, stating, "Our state and local funding partners are doing what they can to…maintain our system in a state of good repair. The key to our ultimate success, however, rests with…Congress and the Administration."

The Federal Transit Administration's study of Metro safety demonstrated some immediate needs that WMATA cannot meet alone. FTA noted that the Tri-State Oversight Committee does not have full time technical staff to work on safety issues. At a time when WMATA is cutting service, cutting staff, and raising fares and local subsidies, a lack of safety staff is probably indicative of inadequate resources, not mismanagement. Similarly, the FTA found that work

force reduction impaired WMATA's ability to maintain a safe system for riders and employees, and that WMATA's Safety Department lacks the resources to keep up with an accident and incident investigations backlog. Giving the federal government additional oversight authority through new national safety standards may be a worthwhile objective, but if we do not provide sufficient funding then the FTA will be condemned to oversee a transit agency that is less and less capable of providing for the safety of riders and employees.

The Northern Virginia Transportation Commission (NVTC) wrote to me in March to ask for federal operating funding for Metro. In that letter, NVTC warned, "If WMATA is allowed to slip too far down the slope of deferred maintenance and mechanical failure, it is unlikely we will ever be able to return to the high performing transit system the region has come to expect." The written testimony we will hear today reinforces this need. As David Alpert of the Riders' Advisory Council stated, we must overcome "federal transportation rules which contain built-in biases against transit funding."

The irony of the safety challenge we now confront is that Metro's financial needs have become more pressing with higher ridership. Like any large highway or public transportation system, Metro relies on public funding, even though it achieves unusually high fare box recovery of 80% for rail. This is particularly relevant for the federal government, whose employees and visitors to our nation's capital rely on Metro but offers no funding support for the system. In addition, Metro serves many of the 16 million tourists who visit Washington, D.C. every year because it is the nation's capital. We know that Metro will need to serve more riders, as ridership has increased consistently for over a decade.

We have two panels of witnesses today whose participants represent stakeholders from the Metro community. I look forward to learning more about how the federal government can work in partnership with WMATA to deliver the safe transit system we all deserve. With a highway fatality rate that is twice as high, there is no safe alternative to transit. Riders' Advisory Council Vice Chairman David Alpert stated, "Mandates that impair service in the long run in the name of safety will only drive commuters to other, more dangerous modes of travel." We cannot just regulate, but must also invest in the transit system on which our federal government relies.

Committee on Oversight and

Government Reform

Hearing Exhibit Book

"The Washington Metro System: Safety, Service, and Stability"

Committee on Oversight and Government Reform

Hearing Exhibit Book

"The Washington Metro System: Safety, Service, and Stability"

Table of Contents

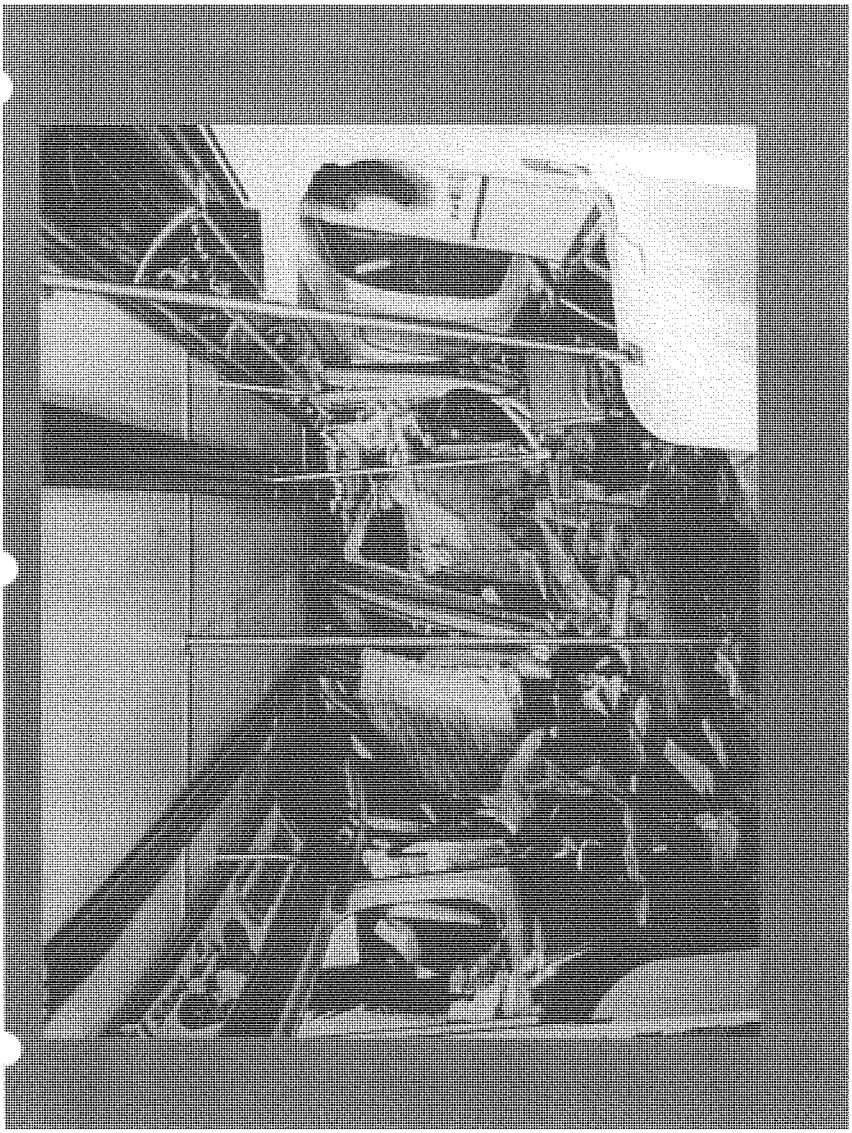
1. David Gunn, Presentation to Metro Board of Directors Report. 3/11/10
2. FTA, Audit of the Tri-State Oversight Committee and WMATA Report. 3/4/10
3. Tri-State Oversight Committee Rail Transit Special Safety Study – Roadway Worker Protection Report. 12/31/09
4. WMATA Public Hearing on Proposed Measures to Balance Metro FY 2011 Operating Budget Report 4/8/10
5. FTA, Rail Safety Statistics Report 2009
6. Optimizing State Safety Oversight of the WMATA Metro Rail System White Paper. 4/20/10

PRESENTATION TO METRO BOARD OF DIRECTORS

David L. Gunn

Thursday, March 11, 2010

1



PROBLEMS FACING METRO

- Financial
- Operations
- Organization / Management
- Public Awareness

3

FINANCIAL PROBLEMS

- Growth in Subsidy Requirements Driven by Access/Metrobus
- Current Solution – Destroying Metrorail
  1. Fares
  2. Service Cuts
     a) Headways
     b) No 8-car trains

- RAIL has 80% cost recovery
- Incremental Costs Less Than Revenue

4

SUBSIDY ($000,000)

Fiscal Year	RAIL	BUS	ACCS	TOTAL
2000	108	175	19	302
2001	107	187	21	315
2002	130	201	27	358
2003	138	210	33	381
2004	129	219	36	384
2005	105	241	39	385
2006	120	263	49	432
2007	146	280	55	481
2008	102	287	63	452
2009	121	330	80	531
2010	159 [B]	309 [B]	81 (Est. 91)	559
2011	162 [B]	358 [B]	97 [B]	607

SUBSIDY GROWTH 2000-2009

Mode	$ (000,000)	Percent
RAIL	13 / 108	12
BUS	155 / 175	89
ACCS	61 / 19	321

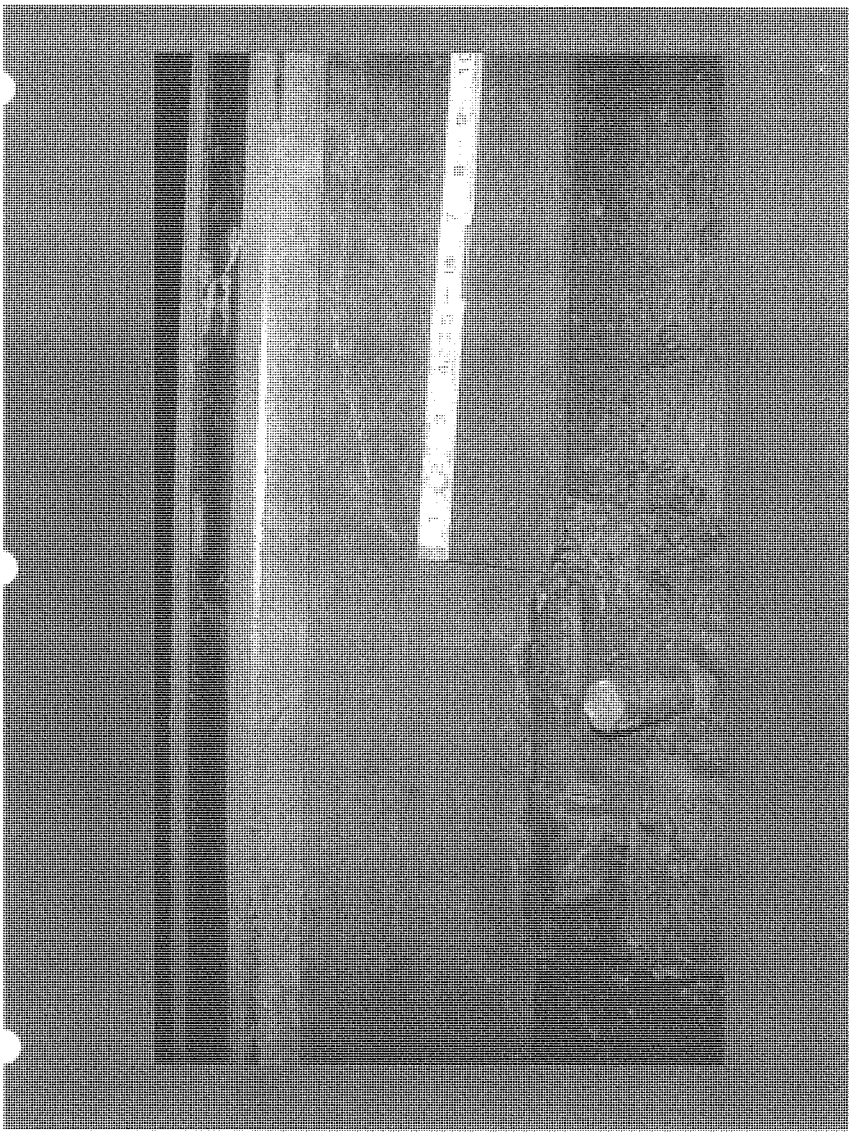
6

Problems: Operations

- Rail System is deteriorating.
- Track

✓ Rail	10 miles vs. 30 miles
✓ Ties	8,000 vs. 12-15,000
✓ Fasteners	8,000 vs. 30,000
✓ Sperry Defects	300 Within 2 years
✓ Joints	2,000 (1,000 Defects)
✓ Turnouts	12-25 vs. 30
✓ R-O-W	Not as neat as it should be
✓ Water	Problem growing with age; electrolysis/rust *(Ex. Rail break at Friendship Heights)*

7



Problems: Operations, Cont'd

- **Cars**
  - Can't meet service requirements
  - 850 cars 1,126 Fleet 276 spares
- **Reliability poor**
  - Most reliable 6000 Series
  - Next reliable 1K, 2K, 3K
  - Least reliable 4K, 5K
- **Parts problems**
  - 26-30 donor cars
  - Accident damaged cars
- **Cars scheduled**

	2002	2010	Percent
Cars	654	850	30%
Headcount	642	709	10%

- **Dirty**
- **Don't wash tunnels**

Problems: Operations, Cont'd

- Stations
  - 7 Stations – platforms supported by wood shoring

Conclusion

Metro Rail has down hill momentum which will be difficult to stop!

10

Problems: Organization/Management

- **Organizational Structure**
  - Material / Procurement
  - Budgets
    - Capital /operating
    - Unexplained changes
- **Engineering/Maintenance separate**
  - Coordinated at AGM level
  - Bad Blood
- **Fragmentation**
  - Procurement/Materials
  - Training
- **Budget Process**
  - Incomplete organization charts
  - Head count not linked to:
    - Capital budget
    - Goals & objectives
    - Economic Analysis questionable,
      - Example; 8-car trains Savings would require head count reduction – which ones?
    - RIFs; Early Retirement; Freezes produce expensive, operationally significant unintended results

11

Problems: Organization/Management, Cont'd

- **Safety is the responsibility of line departments**
  - Knowledge: Signals, Track, Operations, Rules
  - Communications: ID problem, Solution, Ask for help
- **Metro has problems in both areas; starts at Board; shoot messenger**
- **Loss of Talent – staggering**
- **Potential Loss of talent -- Very thin; no backup**
- **Standards for New Employees**
  - Reduced several years ago
  - Strengthened Fall 2009
  - Impact felt for years

12

Problems: Organization/Management, Cont'd

- Public Awareness
  - The Problem is serious; Metrorail is deteriorating due to lack of priorities:
    Capital Resources
    Operating Resources
  - Letter to Mayor (examples: Structural Deficit; Fare Increases)

Problems: Bus

- Organization
  - Effective
  - Personnel
    - Competent/Experienced
  - Maintenance Practices
    - Adequate
    - New Shops impressive
  - Problems
    - Condition of facilities-example Northern
    - Regular vehicle procurements
    - Shortage of operators-(freeze effect)
    - Quality of new hires

RECOMMENDATIONS

- Board / Governance
- Management
  - Organization
  - Personnel
  - Goals and Objectives
  - Head Count Control
  - Budgets
    - Operations
    - Capital
  - Reporting

15

Board/Governance Recommendations

- Rotating chair is a problem
  - Need multi-year goals and objectives - Board and GM
  - Priorities cannot change every year
- Agenda should be set by GM/Chair – Committees can't hold items up
- Procurement policies must be streamlined
  - budget OK starts bid process;
  - low bid awards up to amount OK
- Goals
  1) Realistic
  2) Agreed to by Operations
  3) Quantifiable means to end versus end; Example; car improvement programs not MDBF
- Prioritized capital program by asset class, rail, ties, chillers, etc.;
  Not:
  line segments; Performance; Customer; Demand;

16

Board / Governance Recommendations

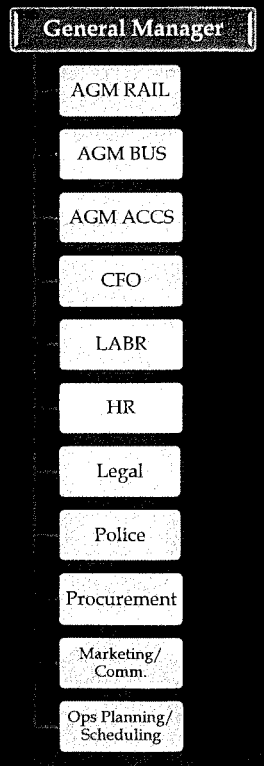
- Board adopted bus/rail service standards
  - Seat / standees
  - P&L using incremental cost
  - Access required vs. nice to have
- Hours of Service
  - Track time by line
- Come clean with Region on:
  - Finances
  - Physical conditions
  - Time to fix
  - Inconvenience which will occur
  - Prioritized Capital Needs
- Monthly Reports
  - Operating results by responsibility center
  - Capital results by project
  - Estimated year end (each period)
- Don't Kill The Messenger
- Communicate through GM

Management Recommendations

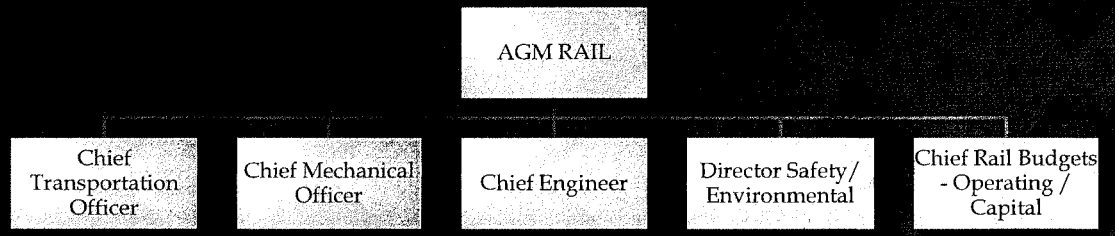
- Increase Direct Reports (see chart)
  - Materials/procurement
  - HR
  - Labor
  - Etc.
- Strengthen Rail Senior Management
- Merge engineering and maintenance around systems; example; Signals, Power, Track
- Senior management responsible for capital and operating budgets in their areas

18

Proposed Metro Organization

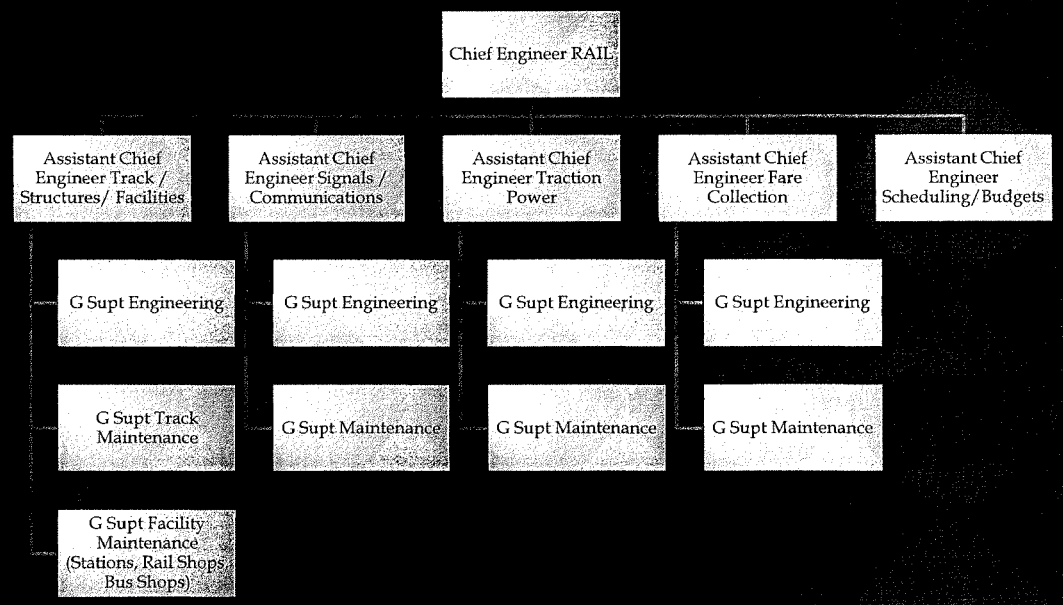


Proposed Metro Organization



20

Proposed Metro Organization



Management Recommendations, Cont'd

Implement 5 Tools

1. Goals and objectives
2. Organization charts
   - ✓ Head count
   - ✓ Capital and Operating
3. Budget by Responsible Center (Specific manager)
4. Capital budget asset based
   - ✓ Description
   - ✓ Schedule
   - ✓ Dollars
   - ✓ Heads
5. Report Monthly
   - ✓ Operating budget
   - ✓ By project
   - ✓ Estimated results

Engineering Department			
GOALS	DESCRIPTION	JOINT RESPONSIBILITY WITH	TARGET
Goal #:			
	Overall Departmental Goals		
1.	Safety - FRA Reportable Injury Ratio (Injuries/200k hrs)		3.7
2.	Operating Rule Violation (Violations/200k hrs)		0.45
3.	Core Operating Expense (including transfers)		Meet Operating Budget
4.	Core Overtime Ratio		17.5%
5.	Capital Overtime Ratio		59.5%
6.	Absenteeism (Based on Corporate Method)		4.0%
7.	Track Geometry Level 1 Defects (Defects/Mile)		0.060
8.	Track Geometry Level 2 Defects (Defects/Mile)		1.40
9.	Track Slow Order Miles		TBD
10.	Unplanned Minutes of Train Delay		79,000
11.	Planned Minutes of Train Delay	Transportation	TBD
	Specific Departmental Goals		
1.	Engineering Dashboard		
	a. Weather Alerts and Project Management		First Quarter
	b. Portal for EAM, Situational Awareness, WEB WEE		Third Quarter
2.	Plan track production work to build delays into timetables where appropriate, (to include information regarding speed restrictions and slow-by orders)	Operations Planning / Transportation	Third Quarter
3.	Situational Awareness		
	a. Work Performance Management of 200 Vehicles		Second Quarter

08/27/2004NATIONAL RAILROAD PASSENGER CORPORATION
FY 2005 GOALS AND OBJECTIVES

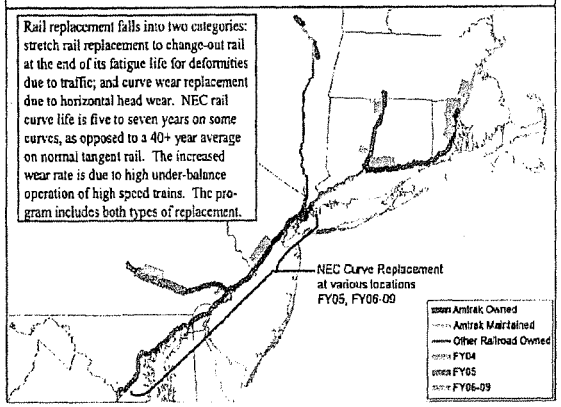
Engineering Department			
GOALS	DESCRIPTION	JOINT RESPONSIBILITY WITH	TARGET
	Specific Departmental Goals (Cont)		
4.	Rail Neutral Temperature Management		
	a. Evaluate Measurement System		First Quarter
	b. Develop Plan to Evaluate Rail State Stress on NEC		First Quarter
	c. Establish Policy & Procedure for Rail Stress Management		Third Quarter
	d. Implement Measurement Program - 100 track miles tested for longitudinal stress		Third Quarter
5.	NEC Night High Rail Inspection		
	a. Complete Safety Case with FRA		First Quarter
	b. Design Parallel Monitoring and Evaluation System		Second Quarter
	c. Implement Inspection in at Least One Inspection District		Third Quarter
	Production Goals[1]		
1.	Track		
	a. Concrete Ties Installed		188,500
	b. Rail Replacement		73 rail miles
	c. Track Undercutting		34 track miles
	d. Wood Ties Installed		41,000
	e. Total Turnouts Replaced (Incl SES)		121 each
2.	Structures		
	a. Bridge Ties Installed		4,500
	b. Undergrade Bridges Improved		22 each

[1] Based on Total Capital Funding from all Sources as Detailed in the FY05 Capital Program to be submitted to the Board of Directors for Approval at the September 2004 meeting.

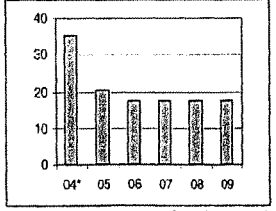
Track: Rail Replacement

Overview [1]

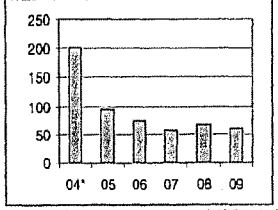
Rail replacement falls into two categories: stretch rail replacement to change-out rail at the end of its fatigue life for deformities due to traffic; and curve wear replacement due to horizontal head wear. NEC rail curve life is five to seven years on some curves, as opposed to a 40+ year average on normal tangent rail. The increased wear rate is due to high under-balance operation of high speed trains. The program includes both types of replacement.



Spending (millions)



Rail Replacement (miles)



Rail Replacement**

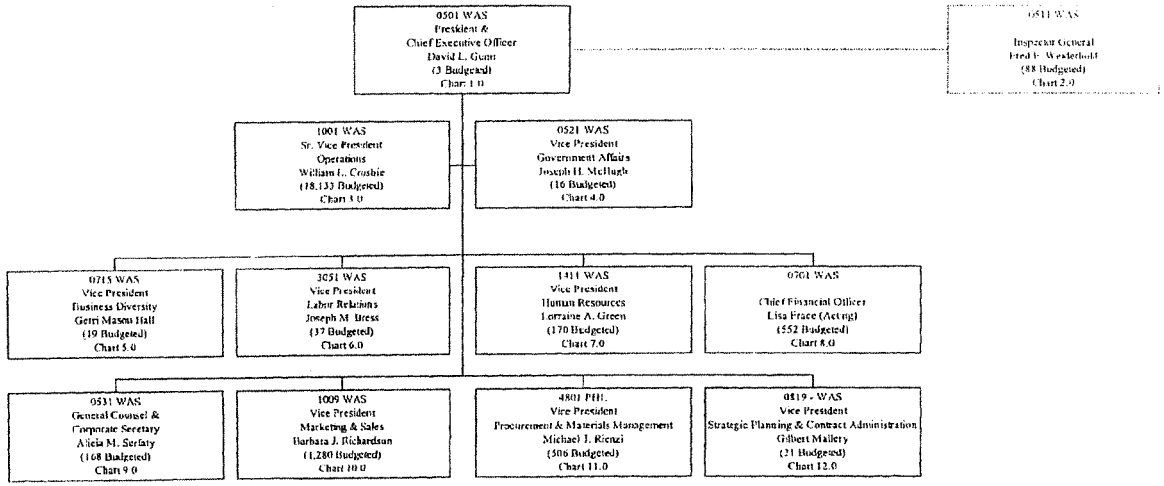
Segment From	To	MP From	MP To[1]	State	FY04	FY05	FY 06-09	Tracks #
Boston to Providence								
Transfer	Mansfield	10.2	24.7	MA	X			2
Junction	Mansfield	14.6	24.7	MA	X			1
Hebronville	Lawn	35.4	40.1	MA	X			2
Lawn	Orms	40.1	43.1	RI	X			2
Providence to New Haven								
Orms	Atwells	43.1	44.5	RI	X			1
Atwells	Cranston	44.5	47.5	RI	X			1
Cranston	Davisville	47.5	60.7	RI	X			2
Groton		104.5		CT	X			2
Old Saybrook	Guilford	123.6	138.3	CT	X			1
Guilford	Branford	138.3	147.2	CT	X			1
Bergen to Trenton								
County	Midway	265.5	274.0	NJ	X			3
County	Midway	265.5	274.0	NJ	X			2
Midway	Ham	274.0	288.4	NJ	X			3
Midway	Ham	274.0	288.4	NJ	X			2
NEC Main Line								
NEC Curve Patch		Various			X	X	X	Various
Harrisburg Line								
Cork	Roy	68.1	94.5	PA		X		1
Cork	Roy	68.1	94.5	PA	X	X		2
Park	Cork	43.9	68.1	PA		X		1,4
Paoli	Overbrook	19.9	5.4	PA			X	2
Springfield Line								
Cedar	Hot	7.0	17.1	CT			X	S
Field	Sweeney	46.3	54.7	CT			X	S
Michigan Line								
CP147	CP160	150.0	160.2	MI			X	S
CP160	CP178	160.2	178.1	MI			X	S
CP178	CP190	178.1	190.3	MI			X	S

*FY04 figures are full year estimates. **Some rail replacement also may be included in the turnout replacement program (p.19) if a project incorporates both elements.

[1]Because of scale, locations shown on map are approximate. See table for additional details. Locations and figures include Keystone Program (See also Major projects / Partnerships and Corridor Appendix). NEC Main Line mileposts (MP) use the

PRESIDENT & CHIEF EXECUTIVE OFFICER
Approved Workforce by Classification As of September 30, 2003

	OP	CA	CM	RE	CML	TOTAL
OM	1,174	46	66	15	6	1,307
AP	730	31	23	12	16	812
OC	197	4	7	3	2	213
TE	277	38	-	5	-	320
SU	672	104	29	16	-	821
CR	14,548	1,776	759	349	6	17,438
CO	50	30	-	-	-	80
SE	-	-	-	-	-	-
IN	2	-	-	-	-	2
TOTAL	17,650	2,029	884	400	30	20,993

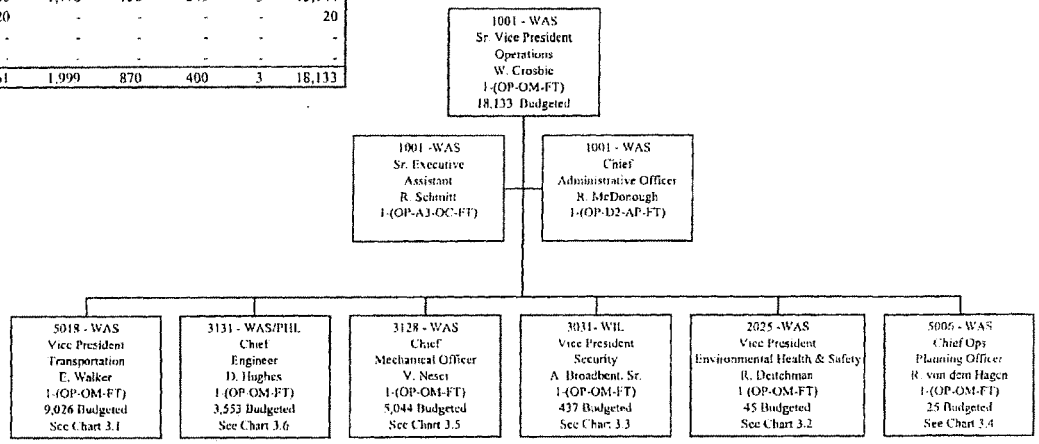


Approved David L. Gunn 10/25/04
David L. Gunn, President and Chief Executive Officer Date

Dated: October 25, 2004
CHART NO. 1.0

Workforce by Classification as of September 30, 2005

	OP	CA	CM	RE	CML	Totals
OM	718	46	63	15	-	842
AP	221	31	21	12	-	285
OC	59	4	7	3	-	73
TE	128	38	-	5	-	171
SU	649	104	29	16	-	798
CR	13,066	1,776	750	349	3	15,944
CO	20	-	-	-	-	20
IN	-	-	-	-	-	-
	-	-	-	-	-	-
Total	14,861	1,999	870	400	3	18,133



Approved _____ 10-25-04
W. Crosbie, Sr. VP Operations Date

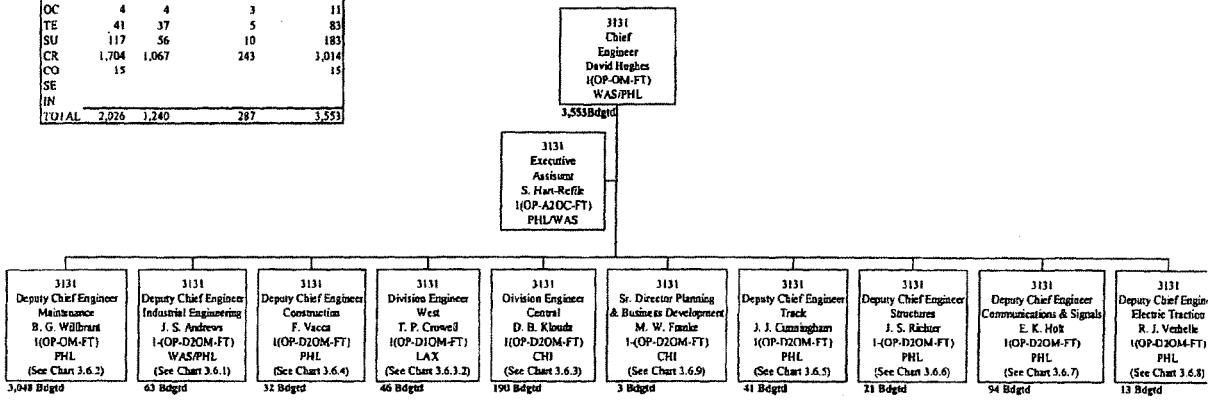
Approved _____ 10-25-04
D. Ginn, CEO Date

Chart: 3.0
Revised: October 2004

CHIEF ENGINEER

Approved Workforce by Classification as of September 30, 2005

	OP	CA	CM	RE	CML TOTAL
OM	113	45		14	172
AP	32	31		12	75
OC	4	4		3	11
TE	41	37		5	83
SU	117	56		10	183
CR	1,704	1,067		243	3,014
CO	15				15
SE					
IN					
TOTAL	2,026	1,240		287	3,553

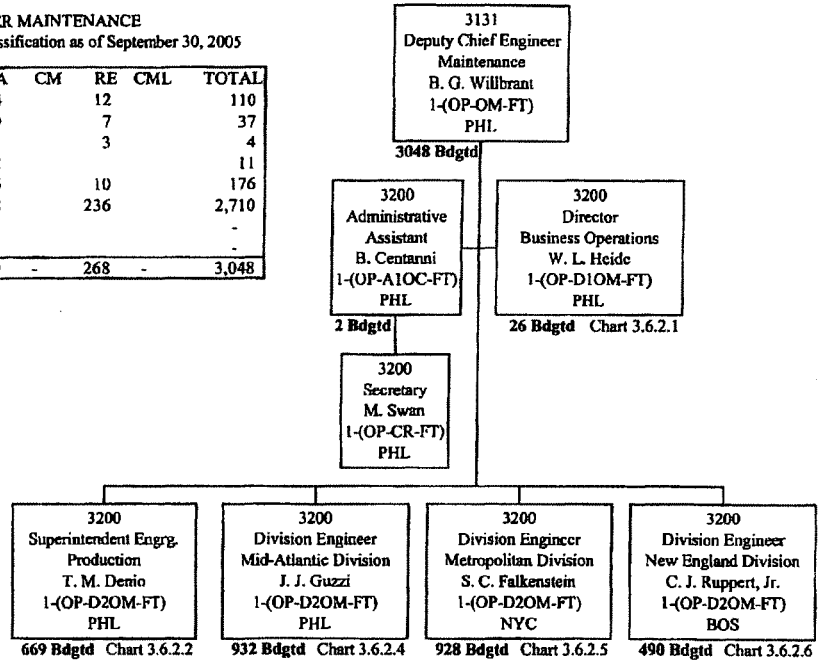


Approved: David Hughes, Chief Engineer — Date 10/18/04

Approved: William L. Crosbie, Sr. VP Operations — Date 10-25-04

SR. VP OPERATIONS ORGANIZATION
CHIEF ENGINEER
DEPUTY CHIEF ENGINEER MAINTENANCE
Approved Workforce by Classification as of September 30, 2005

	OP	CA	CM	RE	CML	TOTAL
OM	64	34		12		110
AP	21	9		7		37
OC	1			3		4
TE	9	2				11
SU	110	56		10		176
CR	1,456	1,018		236		2,710
CO						-
IN						-
TOTAL	1,661	1,119	-	268	-	3,048



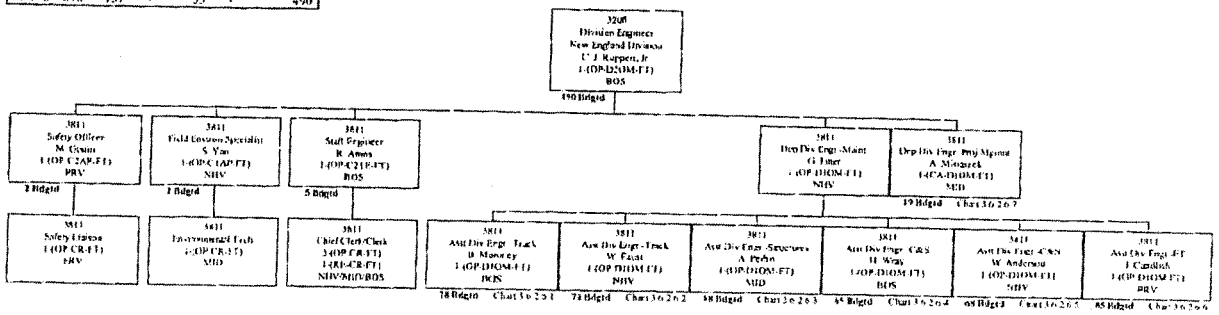
Approved B. G. Willbrant 10/8/04
Date

Approved [illegible] 10/8/04
Date

Revised: October 2004

SR. VP OPERATI[illegible] [illegible]GANIZATION
CHIEF ENGINEER
DEPUTY CHIEF ENGINEER MAINTENANCE
DIVISION ENGINEER NEW ENGLAND DIVISION
Approved Workforce by Classification as of September 30, 2005

	OP	CA	CM	RE	CML	TOTAL
OM	8	2		2		12
AP	3	6		7		16
OC		1				1
TE	1					1
SU	32	8		3		43
CR	254	120		43		417
CO						-
IN						-
TOTAL	298	137	-	55	-	490

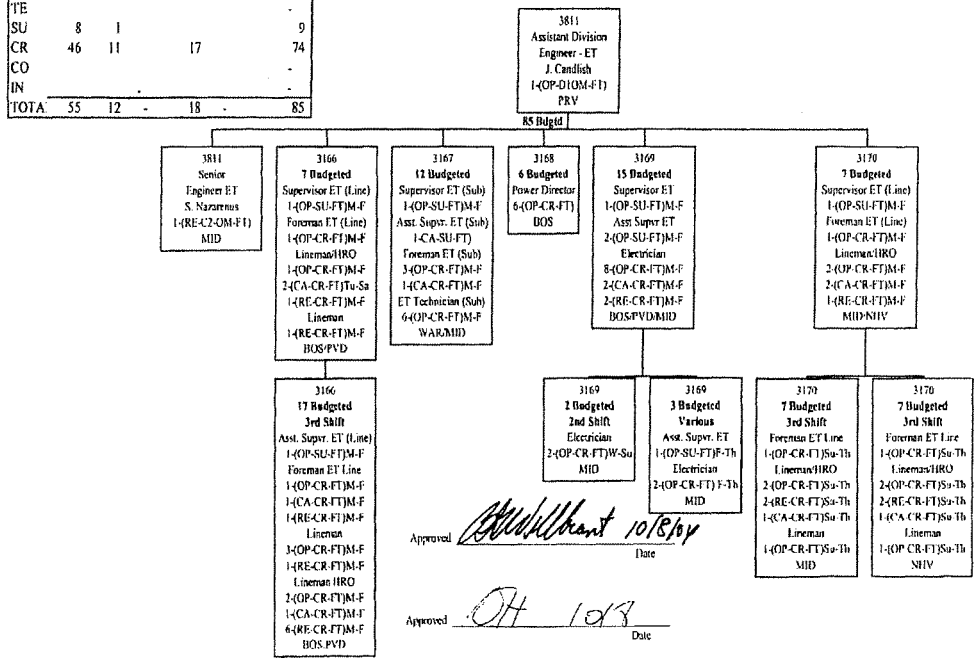


Approved [illegible] 10/8/04
Date

Approved [illegible] 10/8
Date

/ OPER... ONS ORGANIZATION
CHIEF ENGINEER
DEPUTY CHIEF ENGINEER MAINTENANCE
DIVISION ENGINEER NEW ENGLAND DIVISION
ASST. DIVISION ENGINEER ELECTRIC TRACTION
Approved Workforce by Classification as of September 30, 2005

	OP	CA	CM	RE	CML	TOTAL
OM	1			1		2
AP						-
OC						-
TE						-
SU	8	1				9
CR	46	11		17		74
CO						-
IN			-			-
TOTA	55	12	-	18	-	85



Approved _____ 10/8/05
Date

Approved _____ 10/8
Date

Amtrak
2003 Operating Budget
Executive Summary for Region: RC9335

Department: Sumin Chief Engineer
Department Head: David Hughes

Form 1

	Budget FY 04	Forecast FY 04	Budget FY 05	'05 Budget vs. '04 Budget Better / (Worse)	'05 Budget vs. '04 Forecast Better / (Worse)
Workforce					
Core	1,903	1,902	1,849	54	53
Commuter				-	-
Reimbursable	301	298	259	42	39
Commercial				-	-
Projects				-	-
Operating Sub Total	2,204	2,200	2,108	96	92
Capital	1,185	1,001	1,082	103	(81)
Planned Positions	3,389	3,201	3,190	199	11
Vacancies *	187	375	363	(176)	12
Total Authorized	3,576	3,576	3,553	23	23

* Includes Planned and Unplanned Vacancies

($000's)

	Budget FY 04	Forecast FY 04	Budget FY 05	'05 Budget vs. '04 Budget Better / (Worse)	'05 Budget vs. '04 Forecast Better / (Worse)
Revenue					
Passenger Related					
Ticket Revenue	$0	$0	$0	$0	$0
Food and Beverage	-	-	-	-	-
State Supported Train Revenue	-	-	-	-	-
Total Passenger Related	$0	$0	$0	$0	$0
Mail and Express	-	-	-	-	-
Commuter	-	-	-	-	-
Other					
Reimbursable	85,855	86,866	70,886	(14,969)	(15,980)
Commercial Development	-	-	-	-	-
Other Transportation	-	-	-	-	-
Freight Access Fees and Other	-	-	-	-	-
Total Other Revenue	$85,855	$86,866	$70,886	($14,969)	($15,980)
Total Operating Revenue	$85,855	$86,866	$70,886	($14,969)	($15,980)
Expenses					
Salaries, Wages and Benefits					
Salaries	$16,510	$16,520	$18,013	($1,502)	($1,493)
Wages & Overtime	112,239	109,638	100,818	11,421	8,821
Employee Benefits	64,376	60,713	61,092	3,285	(377)
Employee Related	6,240	6,580	6,322	(82)	258
Total Salaries, Wages and Benefits	$199,365	$193,452	$186,244	$13,121	$7,208
Train Operations	7	53	16	(9)	37
Fuel, Power, & Utilities	3,802	3,376	3,206	596	169
Materials	20,490	16,466	16,052	4,438	414
Facility, Communication, & Office	15,407	14,908	14,891	516	17
Advertising and Sales	-	-	-	-	-
Casualty and Other Claims	-	-	6,019	(6,019)	(6,019)
Depreciation	-	-	-	-	-
Amort of Gain On Sale/Leaseback	-	-	-	-	-
Depreciation, Net of Amortization	-	-	-	-	-
Other Expenses	35,130	38,601	39,583	(4,453)	(982)
Indirect Costs Capitalized To P&E	(46,212)	(51,038)	(55,695)	9,483	4,657
Total Non Labor	$28,623	$22,346	$24,072	$4,551	($1,726)
Total Expenses	$227,988	$215,798	$210,316	$17,673	$5,482
Total Operating P&L	($142,133)	($128,932)	($139,429)	$2,704	($10,497)

Amtrak
2005 Operating Budget
Positions by Business Segment

Form 12.3: Total
Department: Engineering
Department Head: David Hughes

Business Segment	TYPE	2004 ACTUAL March 31	2004 PCST SEP 30	2004 FY '04 Org-Charts	FY 2005 MONTHLY HEADCOUNT OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
CORE	Management	202	177	176	189	189	189	189	189	189	189	189	190	190	190	190
	Full-Time- Non Exempt	1,940	1,834	1,784	1,821	1,821	1,797	1,797	1,797	1,821	1,821	1,821	1,821	1,821	1,821	1,821
	Part-Time Non Exempt	-	-		-	-	-	-	-	-	-	-	-	-	-	-
	Interns / Co-Ops	1	-		-	-	-	-	-	-	-	-	-	-	-	-
	Contractor Head Count	14	14	14	15	15	15	15	15	15	15	15	15	15	15	15
	Total	2,157	2,025	1,974	2,025	2,025	2,001	2,001	2,001	2,025	2,025	2,025	2,026	2,026	2,026	2,026
Commuter	Management	-	-		-	-	-	-	-	-	-	-	-	-	-	-
	Full-Time- Non Exempt	1	-		-	-	-	-	-	-	-	-	-	-	-	-
	Part-Time Non Exempt	-	-		-	-	-	-	-	-	-	-	-	-	-	-
	Interns / Co-Ops	-	-		-	-	-	-	-	-	-	-	-	-	-	-
	Contractor Head Count	-	-		-	-	-	-	-	-	-	-	-	-	-	-
	Total	1	-		-	-	-	-	-	-	-	-	-	-	-	-
Reimbursable	Management	28	40	41	34	34	34	34	34	34	34	34	34	34	34	34
	Full-Time- Non Exempt	256	291	293	253	253	253	253	253	253	253	253	253	253	253	253
	Part-Time Non Exempt	-	-		-	-	-	-	-	-	-	-	-	-	-	-
	Interns / Co-Ops	-	-		-	-	-	-	-	-	-	-	-	-	-	-
	Contractor Head Count	-	-		-	-	-	-	-	-	-	-	-	-	-	-
	Total	284	331	333	287	287	287	287	287	287	287	287	287	287	287	287
Commercial	Management	-	-		-	-	-	-	-	-	-	-	-	-	-	-
	Full-Time- Non Exempt	2	-		-	-	-	-	-	-	-	-	-	-	-	-
	Part-Time Non Exempt	-	-		-	-	-	-	-	-	-	-	-	-	-	-
	Interns / Co-Ops	-	-		-	-	-	-	-	-	-	-	-	-	-	-
	Contractor Head Count	-	-		-	-	-	-	-	-	-	-	-	-	-	-
	Total	2	-		-	-	-	-	-	-	-	-	-	-	-	-
Projects	Management	-	-		-	-	-	-	-	-	-	-	-	-	-	-
	Full-Time- Non Exempt	-	-		-	-	-	-	-	-	-	-	-	-	-	-
	Part-Time Non Exempt	-	-		-	-	-	-	-	-	-	-	-	-	-	-
	Interns / Co-Ops	-	-		-	-	-	-	-	-	-	-	-	-	-	-
	Contractor Head Count	-	-		-	-	-	-	-	-	-	-	-	-	-	-
	Total	-	-		-	-	-	-	-	-	-	-	-	-	-	-
Capital	Management	61	115	115	117	117	117	117	117	117	117	117	117	117	117	117
	Full-Time- Non Exempt	710	1,102	1,102	1,123	1,123	1,065	920	920	1,113	1,123	1,123	1,123	1,123	1,123	1,123
	Part-Time Non Exempt	-	-		-	-	-	-	-	-	-	-	-	-	-	-
	Interns / Co-Ops	-	-		-	-	-	-	-	-	-	-	-	-	-	-
	Contractor Head Count	1	1	1	-	-	-	-	-	-	-	-	-	-	-	-
	Total	772	1,218	1,218	1,240	1,240	1,182	1,037	1,037	1,230	1,240	1,240	1,240	1,240	1,240	1,240
Total Placed Positions	Core	2,157	2,025	1,974	2,025	2,025	2,001	2,001	2,001	2,025	2,025	2,025	2,026	2,026	2,026	2,026
	Commuter	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Reimbursable	284	331	333	287	287	287	287	287	287	287	287	287	287	287	287
	Commercial	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Projects	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Capital	772	1,218	1,218	1,240	1,240	1,182	1,037	1,037	1,230	1,240	1,240	1,240	1,240	1,240	1,240
	Total	3,216	3,576	3,525	3,552	3,552	3,470	3,325	3,325	3,542	3,552	3,552	3,553	3,553	3,553	3,553
Vacancies	Core	(132)			1	1	25	25	25	1	1	1	-	-	-	-
	Commuter	(5)			-	-	-	-	-	-	-	-	-	-	-	-
	Reimbursable	49			-	-	-	-	-	-	-	-	-	-	-	-
	Commercial	(2)			-	-	-	-	-	-	-	-	-	-	-	-
	Projects	-			-	-	-	-	-	-	-	-	-	-	-	-
	Capital	446			-	-	58	203	203	10	-	-	-	-	-	-
	Total	360	-		1	1	83	228	228	11	1	1	-	-	-	-
Total Approved Positions (Org Chart)	Core	2,025	2,025	1,974	2,026	2,026	2,026	2,026	2,026	2,026	2,026	2,026	2,026	2,026	2,026	2,026
	Commuter	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Reimbursable	333	333	333	287	287	287	287	287	287	287	287	287	287	287	287
	Commercial	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Projects	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Capital	1,218	1,218	1,218	1,240	1,240	1,240	1,240	1,240	1,240	1,240	1,240	1,240	1,240	1,240	1,240
	Total	3,576	3,576	3,525	3,553	3,553	3,553	3,553	3,553	3,553	3,553	3,553	3,553	3,553	3,553	3,553

**** SEE FORM 12.1 FOR UNPLANNNED VACANCY SAVINGS

NOTES:

PROJECT SUMMARY	Project Name: Wilmington Diesel Switcher Rebuilds	Project Number: 20037433

**Requesting Dept / Division	Responsible Dept / Division
John Wood	Vincent A. Nosci — 1-19-05
Dept. Head — Date	Dept. Head — Date
William Crosbie	William Crosbie — 1-19-05
Executive Committee Member — Date	Executive Committee Member — Date

Project Manager: Daniel Ruppert

Investment Type

Mandatory: ☐ Legal ☐ 3rd Party Committed

State of Good Repair: ☐ Safety ☐ Life Cycle Replacement ☒ Major Asset Renewal or Replacement

Strategic Investment: ☐ Upgrade or Expansion

Location: ☒ Northeast ☐ West ☐ South ☐ Central

Category: ☒ Fleet ☐ Infrastructure ☐ Facilities ☐ Technology ☐ Partnership ☐ Life Safety ☐ Environmental ☐ Other

Service Type: ☐ Spine ☐ Long Distance ☐ Corridors ☒ System

Funding Request:

Capital Project Request by Funding Source

($thousands)

	FY03 and FY04	FY05	Deferred	FY06	FY07	FY08	FY09	Total FY05-09
General Capital	3,080	5,475	196	10,190	9,460	0	0	25,125
State and Local								
Special Federal Grant								
Project-related operating costs ("PRJ")								
Carryover								
Total Request	3,080		196	10,190	9,460	0	0	25,125

Specify State/Local Sources Contributing: N/A

Specify Other Sources: N/A

Scope (Purpose /Project Details)

The Diesel Switcher program will rebuild 6 switchers in FY05, 14 in FY06, and 13 in FY07. This will include unit exchange of the prime mover, main generator, and air compressor, as well as repair and/or replacement of auxiliary generator power contactors, voltage regulator, batteries, truck overhaul, cab refurbishment, paint, and the restoration of glazing. Electric and Wheel Shops support will encompass electronics repair where feasible, D77 traction motors, wheels, and traction motor combo assembly.

Schedule (Milestone Activities by date)

- 1 November, 2004
- 1 January, 2005
- 1 March, 2005
- 1 June, 2005
- 1 July, 2005
- 1 August, 2005

Capital Workforce Requirements **

27 Employees (25 -- Locomotive Shop, 1.5 – Electric Shop, 0.5 – Wheel Shop)

**This information must tie in to the Project Expenditure Summary. Supplemental information should be appended where appropriate.

DEPARTMENTAL PROGRESS REPORT

Operating Business Lines

DEPARTMENT: Mechanical Wilmington Shop

PERIOD: October, 2003

DEPARTMENT HEAD: J. Wood

FINANCIAL STATUS

	$ (000s)								
	Current Period (October 1 - 31)			Year-To-Date (October 1 - 31)			Year-End-Projection (October 1 - September 30)		
	Actual	Budget	Variance	Actual	Budget	Variance	Forecast	Budget	Variance
Revenue	-	-	-	-	-	-	-	-	-
Expenses									
Labor:									
- Salaries	77.4	77.4	(0.0)	77.4	77.4	(0.0)	928.8	928.8	(0.0)
- Regular	1,091.7	1,106.8	15.0	1,091.7	1,106.8	15.0	13,767.3	13,812.4	15.0
- Overtime	59.1	59.6	4.4	59.1	59.6	4.4	709.4	713.8	4.4
- Benefits	721.8	731.8	10.0	721.8	731.8	10.0	9,441.8	9,451.8	10.0
Sub-Total	1,948.8	1,975.1	29.3	1,948.8	1,975.1	29.3	24,877.3	24,909.8	29.3
Non-Labor	(718.5)	(73.3)	642.3	(718.5)	(73.3)	642.3	(1,434.0)	(1,126.7)	308.3
Total Expenses	1,230.3	1,902.0	671.7	1,230.3	1,902.0	671.7	23,443.3	23,778.3	335.7
Net	(1,230.3)	(1,902.0)	671.7	(1,230.3)	(1,902.0)	671.7	(23,443.3)	(23,778.3)	335.7

YEAR-TO-DATE VARIANCE EXPLANATIONS:

Revenue:		$ (000s) Period	To - Date	Year - End
	Sub-Total			
Labor:		0.0	0.0	0.0
Salaries				
Regular		(0.0)	(0.0)	(0.0)
Overtime		15.0	15.0	15.0
Benefits		4.4	4.4	4.4
	Sub-Total	10.0	10.0	10.0
Non-Labor:		29.3	29.3	29.3
Employee Related		0.0	0.0	0.0
Train Operations		-	-	-
Fuel, Power, & Utilities	Warm weather during the month of October allowed the Shops to avoid turning the heat on, which when coupled with a $22K correction from DCLMARVA resulted in this large positive variance.	76.0	76.0	0.0
Materials	Greater than anticipated credits from repair and return work in the Electric and Wheel Shops resulted in this positive variance.	411.2	411.2	151.2
Facility, Communication, & Office	The year-to-date favorable variance is due to less than anticipated building maintenance expenses ($22K).	26.2	26.2	26.2
Casualty and Other Claims				
Other Expenses	This negative variance is due to the timing of bills. Incurred $21K this month for drum disposal and load out for the fourth quarter FY03; where-as the budget is spread across the whole of the first quarter of FY04.	2.2 (4.1)	2.2 (4.1)	2.2 (4.1)
Indirect Costs Capitalized to P&E	Greater than anticipated expense finishing the last AEM-7 DC locomotive heavy overhaul, and finishing the last FY03 HHP overhaul resulted in greater than anticipated transfer credits.	130.9	130.9	130.9
	Sub-Total			
	Total	642.3	642.3	308.3
		671.7	671.7	335.7

WORKFORCE STATUS - Authorized Headcount *

	As of October 31, 2003		
	Actual	Budget	Variance
Core	336	337	1
Commuter	-	-	-
Reimbursable	-	-	-
Commercial	-	-	-
Projects	-	-	-
Capital	40	39	(1)
Total	371	376	5
Non-Amtrak	-	-	-

	Projected as of Sep. 30, 2004		
	Forecast	Budget	Variance
Core	337	337	-
Commuter	-	-	-
Reimbursable	-	-	-
Commercial	-	-	-
Projects	-	-	-
Capital	39	39	-
Total	376	376	-
Non-Amtrak	-	-	-

*Headcount is defined as someone with an active payroll status as of the end of the month. Non-Amtrak headcount includes contractors, temporaries, co-op students, and interns. Non-Amtrak headcount are reported separately and are not included in Amtrak headcount totals.

AREAS OF CONCERN (Relating to Achievement of Budget and Goals & Objectives)

CORRECTIVE ACTION TO BE TAKEN TO ADDRESS CONCERNS

Signature of Department Head: _____ Date: _____

Project Status Report

Project/Program #	PRJ20037433	FTRA Grant Type	NECSplnc
Name	Wilmington Diesel Switcher Overhaul	Car #/Name	Not Applicable
Report Month	Oct-05	Mechanical	

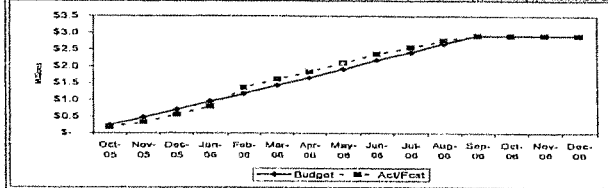
By signing below, I/we acknowledge that I/we have examined all data disclosed in this report and attest that charges are within scope of the project(s), are prudent and comply with GAAP capitalization guidelines as contained within FI-8.

Daniel P. Rapport
PROJECT/PROGRAM MANAGER

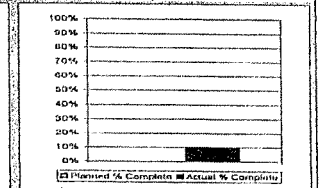
John J. Wood
DEPARTMENT HEAD

DESCRIPTION
This program consists of labor and material costs for overhaul of 4 diesel switcher locomotives. This work includes overhaul of the prime mover, main generator, and air compressor. Trucks will be overhauled and converted from clasp brakes to single composition shoe brakes. Components to be repaired or upgraded include auxiliary generator, power contactors, and voltage regulator. Batteries, window glazing, and cab appurtenances will be renewed. Cab interior and carbody exterior will be painted.

Cumulative Expenditures FY06 Budget vs. Actual/Forecast



FY06 Percent Complete



FY06 BUDGET PLAN VARIANCE EXPLANATION

Within Budget?	Yes
Full Year Anticipated Variance to Budget ($M)	$ 0.0

FY06 SCHEDULE VARIANCE EXPLANATION

Within Schedule?	Yes

AREAS OF CONCERN & ACTION TO BE TAKEN
1. The P36-8 project is to be performed by Beech Grove Maintenance Facility.

EXPENDITURES ($M)	Oct-05	Nov-05	Dec-05	Jan-06	Feb-06	Mar-06	Apr-06	May-06	Jun-06	Jul-06	Aug-06	Sep-06	FY06 Total	Oct-06	Nov-06	Dec-06
Budget	$ 0.244	$ 0.233	$ 0.233	$ 0.245	$ 0.222	$ 0.257	$ 0.233	$ 0.257	$ 0.257	$ 0.233	$ 0.268	$ 0.233	$ 2.914	$ -	$ -	$ -
Actual/Forecast	$ 0.178	$ 0.151	$ 0.233	$ 0.245	$ 0.547	$ 0.257	$ 0.233	$ 0.257	$ 0.257	$ 0.200	$ 0.218	$ 0.147	$ 2.914	$ -	$ -	$ -
Variance	$ 0.066	$ 0.082	$ 0.000	$ 0.000	$ (0.326)	$ 0.000	$ 0.000	$ 0.000	$ 0.000	$ 0.033	$ 0.050	$ 0.087	$ 0.000	$ -	$ -	$ -

Project/Program Status

FY06 PROGRESS TO DATE

Planned Project % Complete	0%
Project % Complete	10%
Actual % Spend vs. Budget	6%

FULL PROJECT/CUMULATIVE

Within Authorization?	Yes
Authorized from Inception (Multi-Year Project)	$ -
Expenditures from Inception plus FY06 Forecast	$ -
Variance	$ -

EXPLANATION

PROGRESS PAST THREE MONTHS
1. Switcher #737 shipped, sent to paint. Awaiting engine.
2. Parts for P36-8's ordered and 95% received at Wilmington Shops.

PLANNED FOR NEXT THREE MONTHS
1. Reassemble the #737 and return to service.
2. Ship parts for P-36-8's from Wilmington Shops to Beech Grove Shops.

FY06 Project Schedule

Project Milestone Number	Project Name/Major Milestone	Planned Start Date	Revised/ Actual Start Date	Planned End Date	Revised/ Actual End Date	Percent Complete To Date	Act YTD vs Bgt Tot %	Comments
	Switcher #1	10/01/05	10/04/05	12/31/05		40%	30%	
	Switcher #2	01/01/06						
	Switcher #3	03/01/06						
	Switcher #4	05/01/06						

PROBLEMS

- Next GM
  - Requires strong operating and technical background
  - Job description
- Recommendation – A screening panel of professionals (Amtrak, Sr. VPO, etc.)
- Senior Managers
  - Job description
  - Panel of experts
  - Post in-house / recruitment
- WMATA's reputation is damaged; quality of next General Manager will significantly affect ability to recruit.

PROBLEMS- CONTINUED

Projects-Board Driven

Bus		
	Capital Cost	Annual Operating
Pretty Bus	$25K/bus	
CNG	$15-30M/garage	$500K
cost per mile $.13		$6,370,000

Access		
		Annual Operating
Low Fares		$4M
Service Area		$2.5M
Eligibility		$ 9-18M

Problems, Continued

Information Technology ($000,000)

ITSV	Heads	Operating	Capital	Total	Consultants
2004	132	15	3	18	??
2005	129	13	5	18	??
2006	128	15	5	18	??
2007	121	16	5	21	??
2008	135	20	22	42	??
2009	204	36	36	72	21
2010	203	34	51	85	19
Increase	54%			478%	

United States Department of Transportation
Federal Transit Administration

State Safety Oversight Program:

Audit of the Tri-State Oversight Committee and the Washington Metropolitan Area Transit Authority

FINAL AUDIT REPORT

March 4, 2010

United States Department of Transportation
Federal Transit Administration

March 4, 2010

SENT VIA EMAIL

Mr. Eric Madison
Chair, Tri-State Oversight Committee
District of Columbia
Department of Transportation
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Mr. John Catoe
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Subject: Final Audit Report

Dear Mr. Madison and Mr. Catoe:

Attached to this letter, please find the Final Audit Report for the Federal Transit Administration (FTA) State Safety Oversight (SSO) Program Audit of the Tri-State Oversight Committee (TOC) and the Washington Metropolitan Area Transit Authority (WMATA).

In this report, FTA makes findings to TOC and recommendations to WMATA designed to enhance compliance with FTA's State Safety Oversight Rule, 49 CFR Part 659. We greatly appreciate your support in addressing these findings and recommendations.

FTA is requesting responses from each of you within sixty days. FTA understands that subsequent to this FTA audit, TOC and WMATA have initiated activities to address, and attempt to correct, findings made by FTA in this report. We look forward to receiving your responses.

At the end of this report, FTA has provided an Audit Findings Tracking Matrix for TOC and an Audit Recommendations Tracking Matrix for WMATA. These matrices detail each audit finding or recommendation, and ask you to provide the actions that will be taken by your agency to address each finding, the responsible party or parties, and the proposed date of completion.

Please fill out the attached matrices and email them to me at Mike.Flanigon@dot.gov, as well as to Mr. Levern McElveen, Safety Team Leader at Levern.McElveen@dot.gov, and to Ms. Annabelle Boyd at aboyd@bcgtrans.com, no later than **May 4, 2010.** Should you require any support in completing these forms, or require additional clarification regarding a specific finding or concern, please do not hesitate to call me at (202) 366-0235 or to contact me by email.

We greatly appreciate your cooperation and assistance in working with FTA to support this audit. Your actions to address our findings and recommendations will contribute significantly to the goal of improved safety for WMATA's passengers and employees.

We look forward to our continued partnership for safety.

Sincerely,

Michael Flanigon
Director
Office of Safety and Security
Federal Transit Administration

cc: Letitia Thompson, Regional Administrator, FTA Region 3
Brian Glenn, Director, FTA's Washington DC Metropolitan Office
Sean T. Connaughton, Secretary of Transportation, Commonwealth of Virginia
Beverley K. Swaim-Staley, Maryland Transportation Secretary
Gabe Klein, Director, District of Columbia Department of Transportation

Table of Contents

EXECUTIVE SUMMARY **5**

SUMMARY LIST OF FINDINGS AND RECOMMENDATIONS **9**

INTRODUCTION **11**

FINDINGS FROM PAST AUDITS 11
AUDIT METHODOLOGY 12
REPORT ORGANIZATION 13

PART ONE: COMPLIANCE AUDIT OF THE TRI-STATE OVERSIGHT COMMITTEE **14**

1.0 TOC ORGANIZATION AND RESOURCES **14**

DISCUSSION OF REQUIREMENT 14
OBSERVATIONS 14
FINDINGS 17

2.0 PROGRAM MANAGEMENT **18**

DISCUSSION OF REQUIREMENT 18
OBSERVATIONS 18
FINDINGS 20

3.0 SYSTEM SAFETY PROGRAM PLAN REVIEW AND APPROVAL PROCESS **20**

DISCUSSION OF REQUIREMENT 20
OBSERVATIONS 21
FINDINGS 21

4.0 OVERSIGHT OF INTERNAL SAFETY REVIEWS AND ANNUAL RAIL TRANSIT AGENCY REPORTING **22**

DISCUSSION OF REQUIREMENT 22
OBSERVATIONS 22
FINDINGS 24

5.0 THREE-YEAR SAFETY REVIEWS **24**

DISCUSSION OF REQUIREMENT 24
OBSERVATIONS 24
FINDINGS 24

6.0 ACCIDENT NOTIFICATIONS, INVESTIGATIONS, AND CORRECTIVE ACTIONS PLANS **25**

DISCUSSION OF REQUIREMENT 25
OBSERVATIONS 26
FINDINGS 27

7.0 OVERSIGHT OF RAIL TRANSIT AGENCY HAZARD MANAGEMENT PROCESS **28**

DISCUSSION OF REQUIREMENT 28
OBSERVATIONS 28
FINDINGS 29

8.0 REPORTING TO FTA **30**

DISCUSSION OF REQUIREMENT 30
OBSERVATIONS 30
FINDINGS 30

PART TWO: EVALUATION OF WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) SAFETY PROGRAM IMPLEMENTATION **31**

9.0 WMATA SAFETY DEPARTMENT RESOURCES AND CAPABILITIES **31**

RECOMMENDATIONS 33

10.0 WMATA PROCESSES FOR COMMUNICATION AND COORDINATION REGARDING SAFETY ISSUES AND CONCERNS **33**

RECOMMENDATIONS 35

11.0 WMATA'S HAZARD MANAGEMENT PROGRAM **35**

RECOMMENDATIONS 36

12.0 WMATA RULES COMPLIANCE AND RIGHT OF WAY SAFETY **36**

RECOMMENDATIONS 39

13.0 WMATA'S CONFIGURATION MANAGEMENT PROGRAM **39**

RECOMMENDATIONS 39

APPENDIX A: MATERIALS RECEIVED **40**

APPENDIX B: TOC AUDIT FINDINGS TRACKING MATRIX **41**

APPENDIX C: WMATA AUDIT RECOMMENDATIONS TRACKING MATRIX **48**

Executive Summary

The Federal Transit Administration (FTA) conducted an on-site audit of the safety program implemented by the Washington Metropolitan Area Transit Authority (WMATA) and overseen by the Tri-State Oversight Committee (TOC) between December 14 and 17, 2009 at WMATA's Jackson Graham Building and Alexandria Rail Yard.

Subsequent document requests and reviews took place throughout the month of January 2010. FTA also participated in WMATA's Right-of-Way Safety Workshop, January 11 to 13, 2010. At the end of January, both TOC and WMATA were provided with the opportunity to comment on a draft version of this report. FTA received those comments and incorporated them into this final report. At the end of February, FTA, TOC and WMATA all participated in a public hearing convened by the National Transportation Safety Board (NTSB) to focus, in part, on the adequacy of state and federal oversight of rail transit systems, including TOC and FTA's program to oversee WMATA.

Audit Focus

This audit, previously scheduled for mid-2010, was accelerated at the request of the United States Department of Transportation (USDOT) Secretary Ray LaHood and U.S. Senator Barbara Mikulski of Maryland. For this audit FTA departed from its normal process of focusing primarily on the state safety oversight agency.

In the aftermath of (1) the Ft. Totten collision and (2) in light of the well-publicized difficulties that TOC encountered assessing WMATA's right-of-way safety program, FTA decided to assess WMATA's safety program as well. WMATA's acting Chief Safety Officer also requested that FTA's audit more closely examine WMATA's system safety program.

This FTA audit, therefore, focused on:

- the effectiveness of both TOC and WMATA's implementation of FTA's State Safety Oversight (SSO) rule (49 CFR Part 659);
- the level and quality of coordination between TOC and WMATA to ensure safety for WMATA's passengers and employees; and
- follow-up on three open non-compliance findings from its 2007 audit of TOC.

Audit Methodology

To perform this audit, prior to arrival on-site at WMATA, FTA requested and reviewed TOC and WMATA SSO program documentation. While on-site, the FTA audit team interviewed TOC and WMATA personnel and contractors responsible for implementing SSO program requirements. FTA also performed records reviews on-site. At the conclusion of the audit on December 17, 2009, FTA held an exit briefing to deliver preliminary findings to TOC and WMATA representatives.

Deficiencies and Challenges

Throughout the course of the audit, FTA identified several deficiencies regarding the implementation of 49 CFR Part 659, as well as on-going challenges in maintaining the quality of the oversight relationship. To address these concerns, FTA issued twenty-one total findings and recommendations – eleven findings to TOC and ten recommendations to WMATA.

TOC's implementation of 49 CFR Part 659 requirements

The TOC jurisdictions – the District of Columbia, the Commonwealth of Virginia, and the State of Maryland – have structured TOC as a committee created by Memorandum of Understanding to implement 49 CFR Part 659 requirements for WMATA. TOC has developed a fully compliant Program Standard and Procedures document to convey 49 CFR Part 659 oversight requirements to WMATA. WMATA implements these requirements in its System Safety Program Plan, which TOC reviews and approves annually.

TOC has six members, two from each jurisdiction. Three members of TOC, one from each jurisdiction, constitute a quorum. A majority vote, including at least one member from each jurisdiction, is necessary for TOC action (for example, approving WMATA accident investigations reports and corrective action plans or making findings from on-site reviews).

TOC's six members manage on-going, day-to-day activities; however, when specific compliance issues emerge at WMATA, TOC members often must obtain the authority to act from higher level executives in their own separate agencies. At the current time, there is no uniform protocol in place to bring oversight issues and requests before senior leadership in the home jurisdictions.

Since TOC is a committee, and not an independent legal entity, its members must follow the legal and administrative requirements of their home jurisdictions. There is no formal process to manage conflicts of law and policy that arise among the three jurisdictions. Instead, policy in a specific area may be directed by one jurisdiction or the other, or differences in opinion among the jurisdictions may prevent action.

TOC's members historically have been part-time. Between 1997 and 2008, assignment to TOC was collateral duty for each jurisdiction, and TOC membership was not included in TOC member employee job descriptions within their home agencies. The home jurisdictions provided no training for serving on TOC, and a background in rail transit or system safety was not required. Since its inception, TOC has experienced considerable turnover among its members.

In early 2009, however, the Commonwealth of Virginia committed the first full-time TOC member. Also, in 2008 and 2009, the TOC jurisdictions significantly increased the resources devoted to contract support for the program. TOC also updated its procedures to include monthly and quarterly meetings among members, as well as teleconference and email protocols to reduce the time required for TOC to review and approve WMATA submittals.

The TOC members and the home jurisdictions are committed to implementing FTA's 49 CFR Part 659 requirements for WMATA; however, the jurisdictions have not provided TOC with the authority to ensure that WMATA effectively implements its System Safety Program Plan:

- Until a few months ago, TOC corresponded primarily with the Chief Safety Officer and held working meetings with lower level staff within WMATA.
- WMATA was not very responsive to TOC, providing late submittals to requests, occasionally not responding at all to requests, denying TOC members access to the live right-of-way, and excluding them from key meetings and activities.
- TOC members did not directly work with key personnel in WMATA's rail operating and maintenance departments.

- TOC did not have the attention of the WMATA's Executive Leadership Team or the Board of Directors.

Since the June 22, 2009 Fort Totten collision, and the extensive media coverage regarding WMATA's denial of TOC member access to the right-of-way during revenue service, TOC members have been actively engaged with WMATA's Executive Leadership Team. TOC members have more direct access to WMATA personnel at all levels of the organization. As a result of this new working relationship, TOC and WMATA are making some progress in closing open corrective action plans developed to prevent accidents from happening again.

Over the last two months, TOC and WMATA have closed over 75 CAPs, with the number of open corrective action plans dropping from 140 in October to 66 at the time of the FTA audit. Previously, TOC and WMATA aimed to close five (5) open corrective action plans per month.

TOC also is working more closely with WMATA to address serious gaps in the implementation of WMATA's right-of-way safety program. Challenges remain; however, and TOC members must work diligently with WMATA to formalize these new relationships in program documentation. FTA also finds that there are several areas where additional TOC clarifications and oversight could improve implementation key safety program elements at WMATA, such as internal audits and the hazard management program.

WMATA's Compliance with TOC's Program Standard and Procedures and 49 CFR Part 659

While WMATA's Executive Leadership Team is working more closely with TOC, FTA finds that WMATA's Safety Department is not "plugged-in" to critical conversations, decision-making meetings and reporting systems that provide information on hazards and potential safety concerns throughout the agency.

Over the last five years WMATA's in-house safety capabilities and expertise have been depleted through reduction in work force and re-organization. At the current time, the Safety Department has neither the resources nor standing to ensure interdepartmental coordination regarding the identification, prioritization, and resolution of safety issues within WMATA.

WMATA's Safety Department has been re-organized three times in the last four years, losing personnel and technical qualifications with each re-organization. Twenty-five percent of the staff positions allocated to the Safety Department remain vacant (10 out of 41), including all positions devoted to system-wide hazard analysis. At the current time, the Safety Department does not have the in-house capabilities to perform internal safety audits and the Safety Department has insufficient resources to keep up with a growing backlog of accident and incident investigations.

WMATA does not have a process, including a single point of responsibility, which ensures the timely identification and evaluation of safety hazards. Further, there is no evidence of safety analyses being performed to prioritize hazards for elimination or mitigation.

WMATA's Executive Leadership Team is making critical decisions regarding the operation and maintenance of the Metro rail system without access to system-wide analysis of hazards.

- WMATA is not using hazard analysis tools and techniques to support the identification, assessment, elevation and resolution of safety concerns.

- WMATA currently devotes no resources to system-wide hazard analysis.

- Critical systems, processes and reports used and maintained in RAIL (Rail Operations Delivery) are not shared with WMATA's Safety Department.

- Analysis performed in WMATA's current hazard management system is poor:
  - Improper analysis and categorization of identified hazards.
  - Limited sources from which to identify hazards.

- There are no procedures or programs in place to ensure appropriate coordination between departments to identify, examine and resolve problematic issues.

Findings and Recommendations

In this report, FTA issues specific finding and recommendations to TOC and WMATA to address the identified deficiencies and challenges.

- For TOC: FTA issued findings where it was determined that a required component of TOC's program does not meet FTA's SSO program requirements (49 CFR Part 659) ;

- For WMATA: due to FTA's lack of direct regulatory authority of rail transit agencies, including WMATA, FTA issued recommendations where FTA believes improvement is needed. Though WMATA is under no legal obligation to address these recommendations, we believe these recommendations support more effective implementation of safety program elements. Further, we stand ready to provide technical assistance and on-site support to help WMATA address the recommendations in this report.

FTA expects to receive in-depth responses from TOC and WMATA by Tuesday, May 4, 2010.

Summary List of Findings and Recommendations

Findings to the Tri-State Oversight Committee (TOC):

1. Assess the level of resources necessary from each jurisdiction (District of Columbia, Maryland and Virginia) to meet TOC's responsibilities. Use the results of this assessment to establish resource commitments from each jurisdiction to TOC for the next three calendar years. Resources should be committed and onboard before the beginning of the next Federal audit cycle.

2. Evaluate the technical and professional skills that TOC representatives need to effectively carry out their oversight duties. To the extent that TOC representatives do not currently possess these skills, ensure training is provided as soon as practicable to each TOC member.

3. Determine the best method to respond quickly and professionally, as WMATA safety situations arise and require coordinated action. Consider whether full-time TOC positions can be vested with decision-making authority to act in specific safety situations with WMATA.

4. Identify and formalize a mechanism to ensure that critical unresolved WMATA safety concerns identified by TOC members are elevated to the highest levels of each TOC jurisdictional agency and WMATA for immediate action.

5. Require WMATA to complete a timely, thorough, and competent review and update of WMATA's Safety Rules and Procedures Manual. This review and update must reflect actual current practices and needed improvements identified by TOC and by FTA in this audit report.

6. Require WMATA to develop (and TOC to review and approve) an internal WMATA safety audit recovery plan for calendar year 2010 and calendar year 2011. Before WMATA develops this plan, TOC should sponsor a meeting with WMATA's Safety Department, Quality Department, and Executive Leadership Team to explain the internal safety audit program requirements and TOC's expectations regarding WMATA's internal safety audit recovery plan.

7. Require WMATA to develop a recovery plan to complete all open accident investigations following procedures established in TOC's Program Standard, WMATA's System Safety Program Plan and WMATA's Accident Investigation Procedures.

8. Document the Corrective Action Plan Technical Review process in TOC's Program Standard and Procedures and WMATA's System Safety Program Plan.

9. Work with WMATA to ensure that there is a process in place for evaluating Corrective Action Plans (CAP) alternatives that may be necessary as a result of capital and operating program resource limitations.

10. Require WMATA to develop and implement a comprehensive and system-wide hazard management program (as required by 49 CFR Part 659.31).

11. Require WMATA to strictly adhere to the annual certification of compliance with its System Safety Program Plan (as specified in 49 CFR 659.43), including identifying areas where WMATA is not in compliance with its System Safety Program Plan as well as specific actions WMATA is taking to achieve compliance.

Recommendations to the Washington Metropolitan Area Transit Authority (WMATA):

1. Conduct an assessment to identify the resources and expertise necessary for the Safety Department to carry out the activities specified in WMATA's System Safety Program Plan and Safety Rules and Procedures Manual.

2. Use the results of the assessment to ensure adequate staffing levels and expertise within the Safety Department.

3. Increase the Safety Department's access to operating and maintenance information and reports to ensure that this information is being analyzed for potential impacts on the safety of WMATA.

4. Develop an internal process to require the communication of safety-related information across all WMATA departments, including the impacts of budget reductions and resource constraints on the performance of safety-related maintenance activities and requirements.

5. Define and implement the process for the top Safety Department position to communicate safety priorities to the General Manager in a timely and consistent manner.

6. Identify the technical skills required to perform system-wide hazard analysis (as required in 49 CFR Part 659 and TOC's Program Standard). To the extent that WMATA Safety Department staff does not currently possess the needed skills, provide training as soon as practicable.

7. Update the WMATA System Safety Program Plan (specifically Procedure #2.1/0 and Section 6) to develop a hazard management process that ensures that all WMATA departments participate in an on-going manner.

8. Institute a process to ensure that changes in operating rules are analyzed for safety impacts before system-wide implementation. For example, WMATA engineering bulletins are "field tested" before full implementation.

9. Finalize the right-of-way protection rules, develop training to implement the new rules and ensure all right-of-way employees and contractors receive this training before accessing the right-of-way.

10. Implement the configuration management program described in the WMATA System Safety Program Plan.

Introduction

Between December 14 and 17, 2009, the Federal Transit Administration (FTA) conducted an on-site audit of the program managed by the Tri-State Oversight Committee (TOC) to provide safety oversight for the Washington Metropolitan Area Transit Authority (WMATA). The requirements for TOC's oversight program are specified in FTA's State Safety Oversight Rule, 49 CFR Part 659, and TOC's internal Program Standard and Procedures, which implement 49 CFR Part 659 requirements for WMATA.

FTA's audit program is authorized in 49 CFR 659.7. Since this audit program began eleven years ago, FTA has completed three full cycles of audits, visiting each state safety oversight agency a minimum of three times. FTA completed audits of TOC in 2000, 2005 and 2007. In addition, FTA conducted a special safety review of WMATA in 1997, just as 49 CFR Part 659 was going into effect.

The December 14 to 17, 2009 audit of TOC's program is the first in FTA's fourth cycle of auditing state safety oversight agencies under 49 CFR Part 659. For this fourth round of audits, which will be completed at the end of 2012, FTA decided to add a new element to the scope of the audit: the effectiveness of the relationship between the SSO agency and the rail transit agency.

This audit of TOC, previously scheduled for mid-2010, was accelerated at the request of the United States Department of Transportation (USDOT) Secretary Ray LaHood and U.S. Senator Barbara Mikulski of Maryland. This audit represents a departure from FTA's approach in past audits for several reasons:

(1) It expands on FTA's initial plans for the fourth audit cycle of state safety oversight agencies by including an in-depth examination of WMATA's safety program. This examination was provided, in part, at the request of WMATA's acting Chief Safety Officer, who asked that FTA's audit more closely examine WMATA's technical capacity to effectively implement the TOC Program Standard and Procedures for an internal system safety program;

(2) In the aftermath of the June 22, 2009 Ft. Totten collision, and in light of the well publicized difficulties that TOC encountered assessing WMATA's right-of-way safety program, this audit responds to the interest of the Congress and the public regarding the quality of the TOC-WMATA oversight relationship and how well both agencies meet their existing safety requirements; and

(3) As a result of past audits, FTA has worked closely with TOC and WMATA to focus on key deficiencies at both agencies regarding the way in which certain 49 CFR Part 659 requirements are managed. During this current audit, FTA focused special attention on TOC activities and WMATA responsiveness in key areas where FTA had identified concerns in the past.

Findings from Past Audits

As a result of FTA's 2000 State Safety Oversight program audit of TOC, FTA issued six deficiency findings and three recommendations. All of these findings and recommendations, which related primarily to TOC's structure, authority and resources, were closed by the end of 2001.

The 2005 FTA audit of TOC focused on the ability of TOC to develop and implement plans and procedures required for the implementation of 49 CFR Part 659. As a result of this audit, FTA issued nine deficiency findings and one recommendation regarding TOC's implementation of 49 CFR Part 659 requirements. Over the next two years, TOC and WMATA were unable to close several of these audit findings, prompting FTA to conduct a series of meetings with TOC and WMATA executive leadership. FTA was concerned about WMATA's ability to identify, elevate, and address safety deficiencies within its own agency as well as WMATA's lack of responsiveness to TOC.

In 2007 FTA conducted another audit of TOC and WMATA. At the time of this audit, two deficiency findings remained open from FTA's 2005 audit. FTA ended up incorporating these open deficiencies into the 2007 audit results. FTA issued eight deficiency findings and four recommendations. FTA's audit showed that TOC faced considerable challenges in getting WMATA to implement and complete corrective action plans (CAP) designed to prevent the recurrence of accidents. At the time of the 2007 audit, TOC was tracking over 200 open corrective action plans, some dating back to 2004. FTA also found that TOC and WMATA were not implementing key 49 CFR Part 659 requirements, such as internal safety audits and an effective hazard management program.

Since 2007, FTA has received quarterly reports on TOC's activities to address FTA's audit findings; FTA representatives also participate in monthly meetings with TOC and WMATA. Action has been slow; however, and going into the December 14 to 17, 2009 audit, three deficiency findings from FTA's 2007 audit remained open, as follows:

1. TOC and WMATA have not been managing the State Safety Oversight program according to approved timeframes and established requirements.
2. TOC is not ensuring that WMATA conducts Internal Safety Audits according to approved schedules.
3. TOC is not reviewing and adopting WMATA investigation reports according to the timeframe required by TOC's Program Standards and Procedures.

FTA focused the 2009 audit on the nature of the oversight relationship that exists between TOC and WMATA, including the status of activities to address the three outstanding findings from FTA's 2007 audit of TOC's program. The audit also focused on WMATA's process, as approved by TOC, for identifying, reporting, and resolving hazards and system safety concerns (i.e., WMATA's hazard management program), and the extent and nature of TOC's oversight of WMATA's safety program. This included TOC's oversight of WMATA's internal safety audit process, rule compliance program, accident and incident investigation process, and the process used by TOC and WMATA to develop, monitor, and implement necessary safety corrective actions. Further, the audit examined the organizational structures and safety program communication and reporting processes of both TOC and WMATA as they pertain to implementing and complying with 49 CFR Part 659.

Audit Methodology

Before arriving on-site, FTA collected and reviewed documents and materials that support the implementation of both TOC's and WMATA's policies and procedures. A complete list of the documents and materials received and reviewed by FTA is provided in **Appendix A.** While on-site FTA conducted interviews with TOC and WMATA personnel responsible for key safety program functions and activities. This included interviews of TOC and WMATA executive management staff, and WMATA Safety Department, Quality Assurance/Quality Control Department, Track Structures and Systems Maintenance, and Rail Operations Delivery staff, including track workers and supervisors, and train operators. FTA also conducted field verifications and record reviews.

During the audit, FTA identified areas in which TOC and WMATA do not comply with the processes and requirements specified in TOC's Program Standards and Procedures and WMATA's System Safety Program Plan. This report identifies these concerns and makes findings requiring corrective action.

TOC will have 60 days to develop and provide a response to each FTA finding. FTA also requests that WMATA respond to FTA's recommendations within 60 days. As requested by members of WMATA's

Executive Leadership Team, FTA will be working with WMATA staff to provide technical assistance and support in addressing these recommendations.

Report Organization

This remainder of this report is organized into two parts:

- Part One presents the results of FTA's audit of TOC's implementation of 49 CFR Part 659 requirements.
- Part Two provides FTA's assessment regarding how well WMATA's safety program addresses 49 CFR Part 659 requirements and also makes recommendations for needed WMATA improvements.

PART ONE: COMPLIANCE AUDIT OF THE TRI-STATE OVERSIGHT COMMITTEE

1.0 TOC Organization and Resources

This portion of the audit evaluated the designation and authority of the Tri-State Oversight Committee and its organizational capacity, including the assignment of personnel resources and contractors, to implement 49 CFR Part 659 requirements.

Discussion of Requirement

FTA's 49 CFR Part 659 requires that each state with a rail transit agency in its jurisdiction designate an oversight agency to implement the provisions of 49 CFR Part 659. In cases where a rail transit agency operates in more than one state, the affected states may either agree to designate one agency of one state to implement 49 CFR Part 659 requirements, or they may designate one or more agencies representative of all states to implement the requirements. In the event multiple states share oversight responsibility for a rail transit agency, the states must agree upon a single set of requirements for the rail transit agency.

Observations

Designation

TOC was created by a Memorandum of Understanding among the District of Columbia, Office of Mass Transit; the Commonwealth of Virginia, Virginia Department of Rail and Public Transportation; and the State of Maryland, Maryland Department of Transportation. The Memorandum of Understanding was signed on March 7, 1997, and provides a basic framework for how the two states and the District of Columbia address 49 CFR Part 659 requirements.

As specified in the Memorandum of Understanding, TOC is composed of six representatives—two each from Maryland, Virginia, and the District of Columbia. Each of the three parties to the Memorandum of Understanding maintains sole jurisdiction and discretion to appoint their respective members to serve on TOC. Jurisdictions can assign additional alternate members. Virginia, for instance, has two alternate members who also support TOC.

Three members of TOC, one from each agency, constitute a quorum. A majority vote, including at least one member from each jurisdiction, is necessary for TOC action (for example, approving accident investigations reports and corrective action plans). The Memorandum of Understanding defines the Chair and Vice Chair positions, and establishes the annual rotation of the Chair and Vice Chair duties to each jurisdiction. (At the current time, the District of Columbia has the TOC Chair and the Commonwealth of Virginia has the Vice Chair. In April 2010, the Commonwealth of Virginia will assume the Chair and the State of Maryland will have the Vice Chair.)

The Memorandum of Understanding also clarifies TOC responsibilities to establish requirements for WMATA and to oversee WMATA's activities to meet these requirements. TOC is responsible for preparing a Program Standard that complies with the minimum requirements in 49 CFR Part 659. TOC requires WMATA to develop and implement a System Safety Program Plan (SSPP) that addresses all minimum TOC requirements in the Program Standard. TOC reviews and approves the System Safety Program Plan; requires annual updates; and monitors System Safety Program Plan implementation, in part through on-site reviews at WMATA at least once every three years.

TOC also requires WMATA to conduct internal safety audits and a hazard management process in accordance with TOC's Program Standard. WMATA must report the occurrences of accidents, incidents and hazards as defined in the TOC Program Standard within a time specified by TOC. WMATA must develop procedures to investigate accidents, incidents and hazards, and those procedures are reviewed and approved by TOC.

Also in the Memorandum of Understanding, TOC is given the authority to conduct, or cause to be conducted, investigations of accidents, incidents and hazards at WMATA. The Memorandum of Understanding provides TOC with the authority to obtain full access to all information or evidence collected by WMATA and/or its agents during these investigations.

In response to findings from investigations, internal audits and reviews, WMATA's hazard management program, TOC's three-year reviews, or other sources identifying safety deficiencies, the Memorandum of Understanding also provides TOC with the authority to require corrective action plans, to review and approve them, and to track and verify their implementation.

Based in part on findings from FTA's 2007 audit, the TOC Memorandum of Understanding was updated on December 5, 2008 to formally describe the process for appointing interim TOC members. This update also clarified that the laws of the individual jurisdictions would govern how TOC handles the release of confidential information to the media, the courts, and other requesting agencies.

To address recent concerns regarding WMATA's safety performance, TOC developed Amendment 1 to the December 5, 2008 Memorandum of Understanding, which was signed and approved on December 14, 2009 by the TOC jurisdiction executives, including the Director of the District of Columbia Department of Transportation, the Secretary of Transportation of the State of Maryland, and the Secretary of Transportation of the Commonwealth of Virginia. This amendment provides greater detail regarding roles, responsibilities, and duties for TOC and WMATA to implement the state safety oversight program as specified by 49 CFR Part 659, TOC's Program Standard and Procedures, and WMATA's System Safety Program Plan.

This amendment, which was presented to WMATA's General Manager and Board of Directors, respectively, on December 16 and 17, 2009, clarifies that the TOC jurisdictions expect the WMATA General Manager to work with TOC, to ensure that WMATA communicates with TOC, and that TOC members have access to system, right-of-way, and facilities in a manner agreed upon in advance by TOC and WMATA. Also, the amendment re-states TOC's authority to establish safety requirements for WMATA, to report directly to the WMATA Board of Directors on a scheduled basis, and to implement a dispute resolution process, including appropriate sanctions for WMATA.

Resources

Since its inception in 1997, TOC has experienced considerable turnover among its members. As of FTA's December 14 to 17, 2009 audit, only one TOC member has served on TOC for three years, two other members have served for almost two years, one member has served for almost one year, and the remaining two members were assigned in 2009. In fact, only one current TOC member was serving on TOC when FTA conducted its 2007 audit, and no current member served on TOC when FTA conducted its 2005 audit.

Until recently, assignment to TOC was collateral duty for each jurisdiction, and TOC membership was not included in TOC member employee job descriptions within their home agencies. The home jurisdictions provided no training for serving on TOC, and a background in rail transit or system safety was not required. In an effort to address this situation, the December 14, 2009 amendment to the TOC

Memorandum of Understanding, clarifies the authority of each jurisdiction to establish appropriate qualifications and requirements for TOC membership, including programmatic and management oversight experience; safety program experience; and industry-specific experience.

Further, to ensure ongoing access to technical support, the three jurisdictions hired a contractor in 2004. The Washington Council of Governments administers TOC's contract. Each jurisdiction initially contributed $50,000 per year for consulting services that were primarily to conduct TOC's three-year review at WMATA to assess implementation of the system safety program plan. Over the past six years however, resources devoted to consultant support have risen to about $150,000 per jurisdiction per year. In addition to conducting the three-year review, TOC's consultant has been providing ongoing support for all of TOC's responsibilities as directed by TOC, and is available on-call to support unanticipated situations and emergencies, and to perform special studies and analyses. This increase in resources has occurred as the Commonwealth of Virginia, the State of Maryland, and the District of Columbia have faced significant cuts and reductions to transportation-related budgets.

The table below presents the resources (in hours) that TOC uses to implement its oversight program for WMATA, as submitted to FTA in TOC's annual reports calendar years 2006, 2007 and 2008.

	2006	2007	2008
TOC Member Staff Hours	1,980	3,130	2,291
TOC Contractor Hours	2,088	3,686	1,710
Total	**4,068**	**6,816**	**4,001**

During this period, depending on the specific activities performed in a given year, the six TOC staff members combined to devote between 1 and 1.5 full-time equivalents to the program and TOC's contractor also provided between 1 and 1.8 full-time equivalents to the program.

In early 2009, the Commonwealth of Virginia became the first jurisdiction to commit a full-time member to TOC. In addition, Virginia increased the involvement of the second member, and assigned two alternate members. Virginia also committed to additional training for all four employees.

TOC duties are still not a part of job descriptions for members from Maryland and the District of Columbia, however, and these members, including the current TOC Chair, have other significant responsibilities within their home jurisdictions. During audit interviews, both Maryland and the District of Columbia representatives stated that there are initiatives underway to attempt to commit full-time members to TOC.

During interviews, TOC members also stated that the June 22, 2009 collision has had a significant impact on their organization. Representatives noted that demands for participation in the investigations conducted by the National Transportation Safety Board and WMATA, as well as the need to respond quickly and decisively to WMATA corrective action plans and proposals, have intensified the challenges in the oversight relationship. Further, since the collision, TOC members stated that the agency has experienced intensive scrutiny from the local and national media, which has required considerable personnel resources to manage. Also, a series of Congressional hearings required TOC participation and attention.

The demands of the June 22, 2009 WMATA Red Line collision have required additional support from all jurisdictions. Before the June 22, 2009 collision, the six TOC staff members reported that they devoted a combined two full-time equivalents to the oversight program, with Virginia providing sixty percent of TOC staff member resources. TOC's contractor provided 1.3 full-time equivalents.

Since the accident, TOC's jurisdictions have supported additional resources, and during audit interviews, TOC staff members reported a combined almost 3.6 equivalents devoted to the oversight program. TOC also increased the activity of its contractor to 2.6 full-time equivalents. Please see the table below.

TOC Representatives	**Pre-June 22, 2009**	**Post-June 22, 2009**
Virginia Department of Rail and Public Transportation (out of 3 persons working on TOC-related issues)	1.2 FTE	1.5 FTE
District of Columbia Department of Transportation (out of 2 persons working on TOC-related issues)	.5 FTE	1.5 FTE
Maryland Department of Transportation (out of 2 persons working on TOC-related issues)	.3 FTE	.6 FTE
TOC consultant (out of 10 available contract employees)	1.3 FTE	2.6 FTE
Totals	**3.3 FTE**	**6.2 FTE**

Representatives from Maryland and the District of Columbia stated that, while they have received some leeway from their other responsibilities to address the increasing demands of their TOC membership after the June 22, 209 collision, this enhanced level of effort may not be sustainable through 2010.

In working with WMATA to address key concerns, other TOC staff members rely on TOC's only full-time member, and the Commonwealth of Virginia has taken the lead in many key areas. This approach to oversight has resulted in the creation of new practices and approaches. The full-time TOC member conducts meetings with WMATA, observes WMATA activities, and actively tracks WMATA action in key areas of concern. In fact, the full-time member conducts meetings with leadership from WMATA's operating and maintenance functions, called Corrective Action Plan Technical Review Entity (or CAPTURE) meetings, which have greatly increased the effectiveness of the process used to close out open concerns, verify the completion of corrective actions, and resolve obstacles to action required to close out open corrective action plans. None of these new practices are documented in the TOC Program Standards and Procedures or the TOC Internal Operations Manual.

While additional resources have been provided after the June 22, 2009 collision, TOC still struggles to fulfill its oversight obligations. During interviews, TOC members stated that since only one member is full-time, the other members inevitably are placed in a "catch-up" position. The full-time member must update the other members on his activities. As stated to FTA during the interviews, there is a steep learning curve required to understand WMATA's operations and issues. Part-time involvement of new members who change from year to year does not give TOC a strong foundation and the ability to develop institutional knowledge to carry out its oversight mission.

In past audit reports, both FTA and the Government Accountability Office have recommended that the three jurisdictions designate one or more TOC full-time members each to enhance responsiveness to WMATA requests, and to provide dedicated, on-site oversight at WMATA. Virginia's commitment shows the value of a full-time position in providing oversight at WMATA. Maryland and the District of Columbia; however, have yet to equal Virginia's resource commitment.

Findings

1. **Assess the level of resources necessary from each jurisdiction (District of Columbia, Maryland and Virginia) to meet TOC's responsibilities. Use the results of this assessment to establish resource commitments from each jurisdiction to TOC for the next three calendar years. Resources should be committed and on-board before the beginning of the next Federal audit cycle.**

2. **Evaluate the technical and professional skills that TOC representatives need to effectively carry out their oversight duties. To the extent that TOC representatives do not currently possess these skills, ensure that training is provided as soon as practicable to each TOC member.**

3. **Determine the best method to respond quickly and professionally, as WMATA safety situations arise and require coordinated action. Consider whether full-time TOC positions can be vested with decision-making authority to act in specific safety situations with WMATA.**

2.0 Program Management

This portion of the audit evaluated how the oversight agency addresses the requirements in 49 CFR 659.11 and 659.15 to manage the Program Standard and oversee its implementation for WMATA.

Discussion of Requirement

49 CFR 659.15 requires that each state oversight agency develop and distribute a program standard. The program standard is a compilation of processes and procedures that governs the conduct of the oversight program at the state oversight agency level, and provides guidance to the regulated rail transit agencies concerning processes and procedures they must have in place to be in compliance with the State Safety Oversight program. 49 CFR 659.15(b) identifies the required content for each state oversight agency's program standard, including detailed explanations of the oversight agency's roles and responsibilities to manage its own program activities and the processes required of the rail transit agency.

49 CFR 659.11 provides that the state oversight agency may establish confidentiality provisions to withhold an investigation report that may have been prepared or adopted by the oversight agency from being admitted as evidence or used in a civil action for damages resulting from a matter mentioned in the report.

Observations

TOC's Program Standard and Procedures, first issued in 1997 and last revised and re-issued in February 2009, implement the authority provided to TOC by the Memorandum of Understanding among the three jurisdictions. The Program Standard and Procedures convey TOC's requirements to WMATA regarding compliance with 49 CFR Part 659 and specific TOC procedures; they also explain how TOC will review WMATA's System Safety Program Plan and assess its implementation. The TOC Program Standard and Procedures are based upon FTA's revised 49 CFR Part 659, issued April 29, 2005.

TOC commits resources to the active review and update of its Program Standard and Procedures. TOC has used these reviews to address previous findings and recommendations from FTA audits in 2005 and 2007, as well as a series of internal recommendations regarding how the program should be structured and its guidance to WMATA specified.

Coordination among TOC Jurisdictions

In implementing the Program Standard and Procedures, TOC members manage on-going, day-to-day activities; however, when specific compliance issues emerge at WMATA, TOC members often must obtain the authority to act from higher level executives in their own separate agencies. At the current

time, there is no uniform protocol in place to bring oversight issues and requests before senior leadership in the home jurisdictions.

TOC is not a legal entity. It is a committee, and, as such, its members must follow the legal and administrative requirements of their home jurisdictions. This creates challenges for TOC members, because there is no formal process to manage conflicts of law and policy that arise among the three jurisdictions. Representatives from each jurisdiction stated during interviews that it is difficult for TOC members to speak as the unified representatives of the District of Columbia, Maryland and Virginia. Instead, policy in a specific area may be directed by one jurisdiction or the other, or differences in opinion among the jurisdictions may prevent action.

For example, the TOC has been unable to establish a uniform policy to handle media requests or to manage Freedom of Information Act (FOIA) requirements with a single point of contact. Instead, reporters approach each jurisdiction separately with information requests. Virginia's FOIA law, which requires response to oral or written media requests, typically within five days, has become the TOC default policy. TOC members from Maryland and the District of Columbia indicated that Virginia's TOC members manage TOC's media relations, sometimes over their objections.

In interviews, TOC members from Maryland and the District of Columbia explained that the FOIA laws and regulations in their jurisdictions also are designed to ensure public access to information, but that these laws and regulations have slightly different components, such as requiring a written request before the release of information, or providing different review criteria before release, or specifying a slightly longer turn-around time, such as an additional week or two, before a document is released to the media.

These members stated that since TOC is generally a committee of largely part-time staff, it would be better served following the laws and regulations in Maryland or the District of Columbia, or developing its own policy, than operating de facto under the laws of Virginia. This would allow more time to ensure that accurate and sufficient responses are compiled and transmitted.

In interviews, WMATA managers and executives stated that TOC, at times, appeared to be using the media in a punitive manner to resolve differences of opinion with WMATA. Also during interviews, WMATA managers observed that, in a few instances in recent months, media reporters were better informed regarding a conflict with TOC than WMATA's own senior leadership. TOC members disagreed with this assertion; however, they do acknowledge that the media coverage has been largely helpful to TOC.

As reported in the media, TOC has had problems in the past with WMATA's responsiveness to TOC's requests for data and analysis, and to specific requests, such as for access to the right-of-way during normal service hours. During interviews, TOC members explained that the media found these stories and featured them, without influence from TOC. Further, TOC members stated they have tried to maintain professional integrity in their relationships with the leadership and staff of WMATA, in spite of the intense media scrutiny.

TOC members stated that a uniform TOC media policy is not possible given the current structure of TOC. Members stated that a uniform policy would require TOC to be re-established as an independent legal entity with its own charter. This new entity would require legislative action by the three TOC jurisdictions and possibly Congress. Unless and until a separate oversight agency is created, each TOC jurisdiction must abide by its own laws, regardless of the action of another jurisdiction.

Coordination with WMATA's Executive Leadership Team

Before October 2009, TOC members worked primarily with lower staff levels within WMATA and with WMATA's System Safety and Environmental Department and its Chief Safety Officer to address safety issues, accident investigations, and open corrective action plans. WMATA System Safety and Environmental Department representatives were expected to advocate on behalf of TOC within WMATA, and until recently, TOC members did not directly work with key personnel in WMATA's rail operating and maintenance departments.

TOC representatives stated that when TOC members disagreed with the decision of the Chief Safety Officer, or did not believe that enough work had been done in a specific area, there was no process in place to bring these concerns directly to the General Manager for action.

Historically, this lack of access to top executives and decision-makers within WMATA has limited TOC's effectiveness in prompting action from WMATA to mitigate safety concerns. This lack of access also made it difficult to resolve differences of opinion between TOC and WMATA.

Recent disclosures and reports in the local and national media have brought public scrutiny to this situation. WMATA's General Manager and Board of Directors have taken action to ensure greater responsiveness to TOC since the media coverage.

In November, for the first time in TOC's 12-year history, TOC members gave a presentation before the WMATA Board of Directors. Further, the General Manager and the Board have accepted an addendum to the original charter that created TOC which clarifies TOC's standing to address safety issues at WMATA. Through resolution, WMATA's Board of Directors now must be informed any time that a member of WMATA's Executive Leadership Team plans to deny a TOC request.

Now that WMATA's Executive Leadership Team and the Board of Directors are actively working to address TOC findings and concerns, it is critical that TOC formalize and institutionalize the mechanisms developed to elevate and resolve critical safety issues.

Findings

4. **Identify and formalize a mechanism to ensure that critical unresolved WMATA safety concerns identified by TOC members are elevated to the highest levels of each TOC jurisdictional agency and WMATA for immediate action.**

3.0 System Safety Program Plan Review and Approval Process

This section of FTA's audit evaluated TOC's implementation of program polices for requiring, reviewing, and approving WMTA's System Safety Program Plan as specified in 49 CFR 659.17, 659.19, and 659.25.

Discussion of Requirement

49 CFR 659.17 specifies that the state oversight agency must require the rail transit agency under its jurisdiction to develop and implement a System Safety Program Plan that complies with the requirements of Part 659 and the oversight agency's program standard. Section 659.19 establishes the minimum content requirements of the rail transit agency System Safety Program Plan.

Section 659.25 specifies that the oversight agency must require the rail transit agency to conduct an annual review of its System Safety Program Plan. Section 659.25(b) requires that, in the event the rail transit agency's System Safety Program Plan is modified, the rail transit agency must submit the modified plan and any subsequently modified procedures to the oversight agency for review and approval. After the System Safety Program Plan is approved, the oversight agency must issue a formal letter of approval to the rail transit agency, including the checklist used to review the System Safety Program Plan.

Observations

Section 12 of TOC's Program Standard and Procedures establish the minimum requirements which guide WMATA's safety program. WMATA's System Safety Program Plan, which is maintained by WMATA's System Safety and Environmental Management Department, serves as the primary mechanism for addressing these requirements.

The TOC Program Standard and Procedures require WMATA to review the System Safety Program Plan on an annual basis for needed changes, and to submit any revisions to TOC by December 31 of each year. According to TOC's Program Standard and Procedures, TOC is required to issue its response to WMATA in the form of comments and a review checklist within 45 days of receiving the revised System Safety Program Plan. Upon receiving the TOC comments, WMATA addresses them and resubmits the document to TOC within 30 days. As required in 49 CFR Part 659, TOC then issues a formal letter of approval with the completed checklist. In addition to annual updates, TOC requires that WMATA identify changes that require modification of the System Safety Program Plan on an on-going basis.

This schedule enables the System Safety Program Plan review and approval process to be completed in a little less than three months. During the 2007 audit, FTA noted that TOC and WMATA were having trouble meeting these time frames. It appears that additional emphasis has been placed on this process, however, and WMATA provided its draft 2010 System Safety Program Plan for TOC to review a few weeks in advance of the December 31, 2009 deadline.

Throughout the System Safety Program Plan, WMATA makes several references to its "Safety Rules and Procedures Manual." This document contains procedures to guide critical system safety activities, such as internal safety audits and the hazard identification and resolution process. WMATA's "Safety Rules and Procedures Manual" was prepared in 1997, and FTA could find no evidence that it has been reviewed and updated since that time, with the exception of Procedure 2.4/1. (This procedure governs accident investigations, and was required to be updated as part of WMATA's submission to TOC for the revised 49 CFR Part 659, which went into effect on May 1, 2006). While the procedures in the "Safety Rules and Procedures Manual" are technically still in effect, they do not reflect current practice. Further, as will be indicated in other sections of this audit report addressing the internal audit process and the hazard management process, FTA found little evidence that WMATA's System Safety and Environmental Management Department is actively carrying out these procedures as specified in the "Safety Rules and Procedures Manual".

Findings

5. **To ensure compliance with 49 CFR Part 659, TOC must require WMATA to complete a timely, thorough, and competent review and update of WMATA's Safety Rules and Procedures Manual. This review and update must reflect actual current practices and needed improvements identified by TOC and by FTA in this audit report.**

4.0 Oversight of Internal Safety Reviews and Annual Rail Transit Agency Reporting

This section of FTA's State Safety Oversight audit evaluated TOC's policies to require WMATA to conduct internal safety reviews, and annual assessments of its System Safety Program Plan, as specified in 49 CFR 659.25 and 659.27.

Discussion of Requirement

49 CFR 659.27 requires rail transit agencies to develop and document a process for the performance of ongoing internal safety reviews in their System Safety Program Plans. The internal safety review process must, at a minimum:

- Determine if all identified elements of its System Safety Program Plan are performing as intended; and
- Ensure that all elements of the System Safety Program Plan are reviewed in an ongoing manner and completed over a three-year cycle.

Section 659.27(c) requires rail transit agencies to notify the state oversight agency at least thirty days before the conduct of scheduled internal safety reviews. In addition, Sections 659.27(d) and (e) require rail transit agencies to submit to the state oversight agency any checklists or procedures that will be used during the internal reviews.

Section 659.27(f) specifies that the state oversight agency must require the rail transit agency to annually submit a report documenting internal safety review activities and the status of subsequent findings and corrective actions. Section 659.27(g) requires rail transit agencies to submit a formal letter of certification signed by the rail transit agency's Chief Executive, indicating that the rail transit agency is in compliance with its System Safety Program Plan. Section 659.27(h) states that if the rail transit agency determines that findings from its internal safety review indicate that the rail transit agency is not in compliance with its System Safety Program Plan, the Chief Executive must identify the activities the rail transit agency will take to achieve compliance.

Observations

WMATA's System Safety Program Plan requires WMATA to conduct "comprehensive and continuous internal safety audits to evaluate the effectiveness of the implementation of the System Safety Program Plan." The System Safety Program Plan requires WMATA to audit each of the 21 System Safety Program Plan elements at least once over a three-year period. According to the System Safety Program Plan, WMATA conducts the internal safety audits using guidance provided in the "Safety Rules and Procedures Manual, Procedure No. 2.3/1; Internal Safety Audit Process." In addition, checklists are developed by the System Safety and Environmental Management Department consistent with TOC Program Procedures, the WMATA Internal Safety Audit Procedure and applicable WMATA procedures, practices, codes and regulations. These checklists are provided to the responsible department being audited and to the TOC in advance of the audit. TOC also is notified a minimum of 30 days in advance of the audit, as required in TOC's Program Standard and Procedures.

The System Safety Program Plan also states that, annually, WMATA will develop and submit a comprehensive Internal Safety Audit schedule to TOC, detailing when they will audit the 21 System Safety Program Plan elements over the next three-year period. The schedule is revised as necessary to meet TOC requirements.

In 2005 and 2007, FTA determined that WMATA had not conducted internal safety audits according to approved schedules and requirements. Independent reviews conducted by TOC in 2004 and 2007 identified the same deficiency.

WMATA began its new internal safety audit cycle in 2009 by submitting an audit schedule and audit checklists to TOC. WMATA failed, however, to meet approved schedules and has not performed the audits in an on-going manner as required by TOC Program Standards and Procedures and 49 CFR Part 659. Instead, each of the internal safety audits scheduled for 2009 was conducted over a two-week period in December 2009 with the assistance of the American Public Transportation Association (APTA). TOC personnel and contractors observed the audits.

Over the last five years, TOC and FTA have made repeated findings regarding the inability of WMATA's System Safety and Environmental Management Department to work with other WMATA departments to develop and manage an effective internal audit program. In interviews, WMATA personnel explained that they did not have the resources or training to conduct internal safety audits without APTA or other contracted support. In an effort to provide training support, FTA, working with the Transportation Safety Institute (TSI), piloted its recently developed internal safety audit course at WMATA in October 2009.

At the current time, the personnel in the System Safety and Environmental Management Department primarily conduct audits to assess compliance with Occupational Health and Safety Administration (OSHA) and environmental rules and requirements and to ensure the use of appropriate Personal Protective Equipment (PPE) at work sites. These personnel do not routinely design and execute methodologies to effectively review documentation and records, interview personnel, and conduct field observations to determine compliance with specific rules and procedures. Further, these personnel do not have on-going access to critical systems and information that would facilitate the design and execution of an on-going internal safety audit process.

Based on interviews with WMATA's Executive Leadership Team and Quality Director, it appears that WMATA views this type of internal safety audit program as largely a quality function, conducted first by supervision in the given department and second by Quality Department personnel. Interviews with WMATA representatives revealed that there is general confusion regarding why the Safety Department would need to conduct or manage internal audits of other departments. Further, while safety personnel positions have been cut, additional engineers and auditors have been added to the Quality Department.

In interviews, WMATA personnel observed that FTA provides no clear guidance or standard regarding how exactly internal safety audits should be conducted. Further, WMATA safety personnel reiterated the importance of coordinating safety, quality and departmental audits and activities. With financial constraints and budget cuts, WMATA personnel noted the importance of maximizing the resources available to address findings; rather than auditing multiple times and leaving things undone. WMATA's Executive Leadership Team indicated that internal audits occurred throughout the agency in an on-going manner, the problem is coordinating information and sharing and tracking findings among departments.

Whether the internal audits are being done and the information is not being shared with the System Safety and Environmental Management Department, or whether the implementation of specific elements of the System Safety Program Plan are not being audited, FTA is concerned that, over the last decade, WMATA has failed to develop an effective internal safety audit process. While TOC has monitored this process, and noted its deficiencies, FTA finds that TOC should take a more active role in ensuring that WMATA implements this critical process.

Findings

6. **Require WMATA to develop (and TOC to review and approve) an internal WMATA safety audit recovery plan for calendar year 2010 and calendar year 2011. Before WMATA develops this plan, TOC should sponsor a meeting with WMATA's Safety Department, Quality Department, and Executive Leadership Team to explain the internal safety audit program requirements and TOC's expectations regarding WMATA's internal safety audit recovery plan.**

5.0 Three-Year Safety Reviews

This section of FTA's SSO audit evaluated TOC's performance of three-year safety reviews to assess WMATA's implementation of its System Safety Program Plan as specified in 49 CFR 659.29.

Discussion of Requirement

49 CFR 659.29 requires that, at least every three years beginning with the initiation of rail transit agency passenger operations, the state oversight agency must conduct an on-site review of the rail transit agency's implementation of its System Safety Program Plan. Alternatively, the on-site review may be conducted in an on-going manner over the three-year timeframe. At the conclusion of the review cycle, the state oversight agency must prepare and issue a report containing findings and recommendations resulting from that review, which, at a minimum, must include an analysis of the effectiveness of the System Safety Program Plan and a determination of whether either should be updated.

Observations

TOC conducted its last three-year review of WMATA in June 2007 and its next three-year review of WMATA is scheduled to take place in the summer of 2010. TOC's June 2007 review identified a total of sixty-five (65) findings. At the time of FTA's 2010 audit, approximately 20 findings from this 2007 review remain open. TOC's June 2007 review employed effective document review, records review, interview, field observation, and field verification techniques.

In December 2009, TOC completed its follow-up review regarding WMATA's implementation of its right-of-way worker safety program and the specific rules identified in Special Order 07-06. As a result of this assessment, TOC issued 18 additional findings to WMATA. Because of TOC's assessment regarding the serious nature of these findings, TOC requested that the initial corrective action plan be submitted by the end of January 2010.

As in 2005 and 2007, FTA finds that TOC's commitment to an active three-year safety review process fully addresses 49 CFR Part 659 requirements. FTA encourages TOC to build on the clarification of authority expressed in Amendment I to the TOC MOU, and conduct additional on-site assessments and reviews to support oversight of WMATA's internal safety audit program and WMATA's hazard management process.

Findings

No finding.

6.0 Accident Notifications, Investigations, and Corrective Actions Plans

This section of FTA's State Safety Oversight program audit evaluated TOC's policies and procedures for performing and overseeing accident notifications, investigations, investigation reports, and corrective action plan development and tracking as specified in 49 CFR 659.33, 659.35, and 659.37.

Discussion of Requirement

Accident Notification

49 CFR 659.33 establishes the minimum thresholds for accident notification. FTA requires rail transit agencies to notify the state oversight agency within two (2) hours of any incident involving a rail transit vehicle or taking place on rail transit-controlled property meeting any of the thresholds identified in Section 659.33(a):

1. A fatality at the scene; or where an individual is confirmed dead within thirty (30) days of a rail transit-related incident;
2. Injuries requiring immediate medical attention away from the scene for two or more individuals;
3. 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;
4. An evacuation due to life safety reasons;
5. A collision at a grade crossing;
6. A main-line derailment;
7. A collision with an individual on a rail right of way; or
8. A collision between a rail transit vehicle and a second rail transit vehicle, or a rail transit non-revenue vehicle.

Accident Investigation

Section 659.35 establishes that for each accident meeting a threshold in Section 659.33, the oversight agency must investigate the accident, or cause it to be investigated. If the oversight agency chooses to investigate, it must use its own procedures or procedures that have been adopted from the rail transit agency. In either case, the procedures must have been submitted to FTA. If the oversight agency has delegated accident investigation authority to the rail transit agency, it must ensure that the rail transit agency investigates the accident in accordance with oversight agency approved procedures.

Investigation Report

All reportable accidents must be documented in a final investigation report. This report must include, at a minimum, the following information:

- A description of the investigation activities;
- Identified causal and contributing factors; and
- A corrective action plan.

Each final investigation report must be formally adopted by the oversight agency. This includes accidents investigated by a third party, such as the rail transit agency. If the oversight agency does not concur with findings from an investigation conducted by the rail transit agency, the oversight agency must either

conduct its own investigation or formally transmit its dissent to the rail transit agency and ensure resolution on the findings is reached.

Corrective Action Plans

Section 659.37 establishes that each oversight agency must require the development of corrective action plans for, at a minimum, the following:

- Results from investigations in which it is determined corrective actions are necessary; and
- Findings from the oversight agency's three-year safety and security reviews.

Section 659.37 requires that each plan identify:

- The action to be taken by the rail transit agency;
- An implementation schedule; and
- The individual or department responsible for implementation.

Section 659.37 also requires the oversight agency to review and approve each corrective action plan and monitor and track the implementation of each plan.

Observations

TOC is required by Section 659.35 to investigate, or cause to be investigated, at a minimum, any incident involving a rail transit vehicle or taking place on rail transit-controlled property meeting the notification thresholds identified in Section 659.33(a).

Primarily, TOC delegates accident investigation responsibility to WMATA (customary for most state oversight agencies). However, TOC has participated in the investigations of large accidents as well as those investigated by the National Transportation Safety Board. All final investigation reports must be reviewed and formally adopted by TOC for each investigation of an accident meeting TOC's reporting thresholds.

TOC has not reviewed and adopted accident investigation reports according to the timeframe required in its Program Standards and Procedures. TOC's Accident-Incident Matrix (dated November 23, 2009) identifies sixty-three open accident/incident investigations, dating from April 10, 2006 through October 6, 2009. Of these, TOC had not ensured the identification of an accident cause for fifty-seven of the accidents. The majority of these fifty-seven accidents have not yet been investigated by WMATA due largely to resource limitations.

As part of this audit document review process, FTA reviewed all accident investigation reports submitted by TOC and WMATA for 2009 and noted that in several instances the Metro Transit Police Department Reportable Incident Investigation Coversheets identified individuals who no longer work for TOC as being notified of the accident. Further, in discussion with both TOC and WMATA personnel, there was evidence that, occasionally, WMATA notified TOC twelve to twenty-four hours late regarding the occurrence of a reportable accident.

To comply with Section 659.37, TOC must require the development of a corrective action plan for:

- Results from investigations, which requiring corrective actions; and
- Findings from safety reviews performed by the oversight agency.

Each corrective action plan must identify the action to be taken by the rail transit agency, an implementation schedule, and the individual or department responsible for implementation. TOC is required to review and formally approve submitted corrective action plans, and must establish a process to resolve disputes between itself and WMATA resulting from the development or enforcement of a corrective action plan. Further, TOC must identify the process by which findings from an NTSB accident investigation will be evaluated to determine whether or not a corrective action plan should be developed by either the oversight agency or WMATA to address NTSB findings. Finally, TOC must also monitor and track the implementation of each approved corrective action plan.

WMATA must provide TOC with verification that each corrective action(s) has been implemented as described in the corrective action plan, or that a proposed alternate action(s) has been implemented subject to TOC's review and approval. WMATA must also provide TOC with periodic reports describing the status of each corrective action(s) not completely implemented, as described in the corrective action plan.

Over the last seven years, WMATA has compiled corrective action plans resulting from accident investigations, NTSB recommendations, TOC three-year reviews, FTA audits, and APTA and other peer reviews. At one point in 2007, TOC and WMATA were tracking over 250 open corrective action plans.

During audits in 2005 and 2007, FTA made findings regarding the need for action to enhance WMATA responsiveness to TOC findings and to close open corrective action plans. Further, FTA noted that neither TOC nor WMATA were following their specified procedures for corrective action plan management. At the end of October 2009, there was some improvement; however, as approximately 140 open corrective action plans were being tracked.

During the six weeks before the completion of FTA's on-site audit (December 17, 2009), TOC and WMATA closed over seventy corrective action plans and reported that only sixty-six corrective action plans remained open. TOC and WMATA representatives attributed the success of the expedited corrective action plan resolution to the presence of members from WMATA's Executive Leadership Team at Corrective Action Plan Technical Review Entity meetings between the two agencies.

TOC reported that Corrective Action Plan Technical Review Entity meetings now require the presence of Rail Operations Delivery, Rail Transportation, and Track Structure and Systems Maintenance executives and managers and that this brought additional focus and attention to the open corrective action plans. TOC stated that all of the closed corrective action plans were verified through review of documents.

The Corrective Action Plan Technical Review Entity meeting process is not documented in WMATA's System Safety Program Plan or TOC's Program Standards and Procedures. Rail Operations Delivery does not have a written procedure in place for prioritizing and closing corrective action plans, and WMATA has not developed a process for evaluating corrective action plans alternatives that may be necessary as a result of capital and operating program resource limitations.

Findings

7. **Require WMATA to develop a recovery plan to complete all open accident investigations following procedures established in TOC's Program Standard, WMATA's System Safety Program Plan and WMATA's Accident Investigation Procedures.**

8. **Document the Corrective Action Plan Technical Review process in TOC's Program Standard and Procedures and WMATA's System Safety Program Plan.**

9. **Work with WMATA to ensure that there is a proeess in place for evaluating Corrective Action Plans (CAP) alternatives that may be necessary as a result of capital and operating program resource limitations.**

7.0 Oversight of Rail Transit Agency Hazard Management Process

This section of FTA's State Safety Oversight audit evaluated TOC's policies to require WMATA to implement a hazard management program and TOC's processes for tracking the resolution of identified hazards as specified in 49 CFR 659.31.

Discussion of Requirement

The hazard management process is key to an effective system safety process, although it is one of the more difficult Part 659 requirements to implement. Section 659.31(a) specifies that each state oversight agency must require the rail transit agencies in its jurisdiction "to develop and document in their System Safety Program Plans a process to identify and resolve hazards during their operation." This process must include "any hazards resulting from subsequent system extensions or modifications, operational changes, or other changes within the rail transit environment." Section 659.31(b) further clarifies what the process must include:

1. Define the rail transit agency's approach to hazard management and the implementation of an integrated system-wide hazard resolution process;
2. Specify the sources of, and the mechanisms to support, the ongoing identification of hazards;
3. Define the process by which identified hazards will be evaluated and prioritized for elimination or control;
4. Identify the mechanism used to track through resolution the identified hazard(s);
5. Define minimum thresholds for the notification and reporting of hazard(s) to oversight agencies; and;
6. Specify the process by which the rail transit agency will provide on-going reporting of hazard resolution activities to the oversight agency.

Observations

Section 10 of TOC's Program Standards and Procedures establishes the requirements that must be met by WMATA in identifying, reporting, analyzing, controlling, and tracking hazards and hazardous conditions within its rail transit operations. Section 6.0 of WMATA's System Safety Program Plan responds to the requirements of TOC's Program Standards and Procedures by establishing WMATA's processes for hazard identification, investigation, and resolution. This includes WMATA's process for coordinating and communicating hazards to TOC and for determining hazard classifications based on quantitative and qualitative measures of hazard probability and severity (consistent with the processes prescribed by Mil-Std-882).

The hazard management program required by TOC's Program Standard and Procedures and by WMATA's System Safety Program Plan is not being implemented as specified. WMATA does not have a process, including a single point of responsibility, which ensures the timely identification and evaluation of safety hazards. There is no evidence that safety analysis is being performed to prioritize hazards for elimination and mitigation, and the Safety Department does not appear to have adequate technical capability and capacity to conduct thorough hazard analyses on an on-going basis. This is exemplified by the fact that at the time of the audit, WMATA and TOC representatives were unable to identify the agency's top ten safety concerns or hazards.

The Safety Department noted that it is currently working with WMATA's Information Technology (IT) Department to create a software application that will allow the Safety Department to better identify, analyze, and track system information that can be used to support the hazard management program. This system is currently about 40% complete and it is anticipated that it will take minimum of a year before it can be fully deployed.

At the current time, WMATA reports that it intends the Hazard Identification and Resolution Matrix to track, analyze, categorize and report system hazards to management on an on-going basis. However, it does not appear that the Hazard Identification and Resolution Matrix is currently being used for this purpose. The Hazard Identification and Resolution Matrix is not defined in WMATA's System Safety Program Plan and therefore its true purpose and function within the organization is unclear.

In addition, there is no evidence that WMATA or TOC is conducting analysis of Hazard Identification and Resolution Matrix data to identify repetitive hazards, possible trends and/or to escalate the hazard classification of certain incidents. For example, the fiscal year 2010 Hazard Identification and Resolution Matrix lists fifty-four door incidents, forty-eight of which were platform overruns classified as IV-E—a negligible hazard of remote possibility. WMATA's System Safety Program Plan defines such a hazard as an occurrence that would result in "less than minor injury, occupational illness, or system damage" and that could be expected to occur at a rate of $5x10^{-6}$ during the life of the fleet. By WMATA's own definition, forty-eight occurrences of door incidents occurring in a single fiscal year should not be classified as IV-E.

Although TOC receives copies of the Hazard Identification and Resolution Matrix, it failed to identify these (and other) classifications as errors. Instead, as stated in its July 6, 2009 letter to WMATA, TOC became aware of this issue by reading an article in the "Washington Post on Monday, June 8, 2009, alleging numerous instances of improper door opening on Metro." TOC also stated in its July 6, 2009 letter to WMATA that "at no point in our monthly review of the WMATA Hazard Identification and Resolution Matrices did it appear that WMATA was tracking these incidents. However at the June 10, 2009 monthly meeting between TOC and WMATA, we learned that the Safety Department had also learned of these incidents for the first time from the Post article." TOC representatives further stated during the audit that they just recently began developing a process for reviewing recurring hazards and incidents to identify trends and the potential need for escalating hazards classifications.

While TOC communicates with WMATA regarding specific hazards, FTA finds that TOC, through the course of its oversight, TOC has not ensured that WMATA implements a system-wide approach to hazard identification.

During the audit, FTA recommended that TOC work with WMATA leadership and the Safety and Quality Departments to design a monthly report to collect necessary information and distribute the report to all departments. At a minimum, FTA recommended that the report be used by the operating and maintenance departments to capture information on accidents, incidents, near misses, safety rules violations, open and closed corrective action plans, safety and quality audit results and open and closed findings, hazards identified in committee meetings by each Metro Department, and other activities which demonstrate the on-going implementation of the agency's hazard management program.

Findings

10. **Require WMATA to develop and implement a comprehensive and system-wide hazard management program as required by 49 CFR Part 659.**

8.0 Reporting to FTA

This section of FTA's State Safety Oversight audit evaluated TOC's policies and procedures for certifying and reporting to FTA, as specified in 49 CFR 659.39 and 659.43.

Discussion of Requirement

Section 659.39 establishes the minimum reporting requirements by the State Safety Oversight agency to FTA. State safety oversight agencies must make an annual submission to FTA before March 15 of each year. The annual report must include a publicly available annual report summarizing the state oversight agency's oversight activities for the preceding twelve months, including a description of the causal factors of investigated accidents, status of corrective actions, updates and modifications to rail transit agency program documentation, and the level of effort used by the oversight agency to carry out its oversight activities.

The annual report must document and track findings from three-year safety review activities and state whether a three-year safety review has been completed since the last annual report was submitted. The annual report must also state if the program standard and supporting procedures have changed during the preceding year and must include the oversight agency's certification that any changes or modifications to the rail transit agency SSPP or Security Plan have been reviewed and approved by the oversight agency. Section 649.43 requires oversight agencies to annually certify to FTA that they have complied with the requirements of Part 659.

Observations

TOC is required by Section 659.43 to annually certify to FTA that it has complied with the requirements of 49 CFR Part 659. WMATA is required by TOC's Program Standards and Procedures to submit to TOC an annual certification of its compliance with its System Safety Program Plan, signed by the Chief Executive Officer. In the past, TOC has allowed WMATA to make this certification without reference to actions required to address known deficiencies, such as not performing internal safety audits according to established schedules, not implementing a system-wide hazard management process, and not implementing corrective actions as required by agreed upon and approved corrective action plans.

Findings

11. **Require WMATA to strictly adhere to the annual certification of compliance with its System Safety Program Plan (as specified in 49 CFR 659.43), including identifying areas where WMATA is not in compliance with its System Safety Program Plan as well as specific actions WMATA is taking to achieve compliance.**

PART TWO: EVALUATION OF WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) SAFETY PROGRAM IMPLEMENTATION

9.0 WMATA Safety Department Resources and Capabilities

WMATA's Safety Department is led by a Chief Safety Officer who currently reports directly to the General Manager. The General Manager in turn reports to a Board of Directors that provides safety management oversight of WMATA activities through the Board Customer Service, Operations and Safety Committee. The General Manager is supported by the Executive Leadership Team, which directs senior managers to include safety requirements, responsibilities and objectives into the work plans of managers and supervisors. WMATA's Safety Department is currently in a time of transition. WMATA's Transit Police Chief is acting as WMATA's Chief Safety Officer while the agency conducts a search for a full-time individual to fulfill the roles and responsibilities of the Chief Safety Officer position.

Since 2005, WMATA's Safety Department has been re-organized six (6) times. It has been known as System Safety and Risk Prevention, System Safety and Risk Management, and now System Safety and Environmental Management. Its status as a direct report has changed several times. Its responsibilities have changed as well. For instance, as the result of reorganization in 2007, the Safety Department lost both its quality division and its access to key employees with engineering, auditing, and systems analysis expertise. Since 2007, four different individuals have been in charge of safety. The recurring reorganization of the Safety Department, its resource levels and expertise, and its reporting structure, may contribute to the identified disconnects in safety communication.

The Safety Department is responsible for managing all aspects of WMATA's system safety program. This includes supporting modal operations and facilities safety, administering and monitoring employee occupational safety and health programs, workers' compensation and third party liability claims management, accident and incident investigations, and environmental protection. The Safety Department is broken into three primary divisions—Regulatory Compliance, System Safety, and Environmental Services.

The Regulatory Compliance Division is responsible for WMATA's corporate safety function. Activities such as management of the DuPont Sustainability Solutions contract and management of worker's compensation and third party liability claims no longer reside within this division and are now managed by Financial Services.

The System Safety Division provides safety support to each of WMATA's modal operations and is responsible for bus and rail operations, maintenance and facilities safety. Safety Officers from this Division have been assigned to each of WMATA's modal operations to monitor the day-to-day implementation of WMATA's safety program from a modal level. This entails supporting accident and incident investigations, identifying and tracking reported hazards, conducting inspections and audits, and supporting safety certification and industrial safety activities.

The Environmental Services Division is responsible for monitoring WMATA's compliance with applicable environmental laws and regulations including those established by the Environmental Protection Agency.

FTA was provided an organizational chart for the Safety Department. During interviews, FTA learned the following regarding positions and vacancies:

- The Safety Department currently consists of forty-one staff positions (as indicated by the current organization chart).
- Ten positions (almost twenty-five percent) are vacant.
- The Regulatory Compliance Division houses twelve positions. Six of these positions are currently vacant.
- The System Safety Division houses fifteen positions. Four of these positions are currently vacant.
- The Environmental Services Division consists of nine positions with no current vacancies.

During interviews, WMATA leadership indicated that it has been unable to fill past vacancies internally with staff that possess operational experience in different disciplines. These same representatives stated that they have had great difficulty hiring individuals with sufficient engineering and/or public transportation experience. Three employees of the Safety Department have obtained Transportation Safety Institute (TSI) certifications, a program sponsored by FTA to provide safety training to transit professionals.

In 2007, the Quality Assurance/Quality Control functions were removed from the Safety Department and the technical expertise of these functions, which was relied upon by the Safety Department, has not been replaced. In addition, there is currently no plan in place at WMATA to identify how incoming resources can be used to fill critical gaps in safety functions such as those related to hazard identification, analysis and mitigation. Subject matter expertise and engineering analysis is not currently available to the Safety Department on a consistent basis to perform these functions.

WMATA's System Safety Program Plan serves as the primary mechanism for addressing the requirements of TOC's Program Standards and Procedures and those of FTA's 49 CFR Part 659. This includes describing macro-level tasks to be performed by the Safety Department to implement the System Safety Program Plan. WMATA's processes for hazard management, safety data acquisition, accident and incident notification, investigation and reporting, internal safety audits and reviews, rules and procedures compliance and review, facilities and equipment inspections, maintenance audits and inspections, and configuration management.

WMATA uses Policy/Instructions and other procedures to implement these and other safety program activities and to formalize the processes identified in the System Safety Program Plan. However, despite being addressed by the System Safety Program Plan, WMATA has failed to fully implement the System Safety Program Plan as required. Examples of key elements of the System Safety Program Plan and related Policy/Instructions that FTA identified as not being fully implemented by WMATA's Safety Department include:

- System-wide hazard identification, analysis, reporting and resolution;
- Timely investigation for all TOC reportable accidents;
- Submission of final accident investigation reports per defined timeframes;
- Internal safety audits according to approved schedules; and
- WMATA's configuration management program.

WMATA representatives stated during interviews that recent accidents have placed additional burdens on the Safety Department's ability to carry out its daily activities, such as identified above. In addition, the same representatives stated that unfilled vacancies limit the Safety Department's ability to ensure System Safety Program Plan implementation as required.

Recommendations

To address this situation, FTA makes the following recommendations to WMATA:

1. **Conduct an assessment to identify the resources and expertise necessary for the Safety Department to carry out the activities specified in WMATA's System Safety Program Plan and Safety Rules and Procedures Manual.**

2. **Use the results of the assessment to ensure adequate staffing levels and expertise within the Safety Department.**

10.0 WMATA Processes for Communication and Coordination regarding Safety Issues and Concerns

In 1997, in response to its investigation into a fatal accident that occurred near Shady Grove station, the National Transportation Safety Board made findings regarding the need for a strong and independent Safety Department at WMATA with a direct report to the General Manager. In its investigation into this accident, the NTSB noted that WMATA concentrated decision-making authority in a small group of executive leaders. The NTSB determined that an independent and technically proficient Safety Department was necessary to provide an important check on this authority, ensuring that hazards would be identified, prioritized and resolved, and that passengers and employees were not placed at risk.

Following up on this concern, the NTSB, as part of its investigation into the 2004 Woodley Park collision, recommended that FTA "assess the adequacy of WMATA's current organizational structure and ensure that it effectively identifies and addresses safety issues." (R-06-4) While NTSB has since classified this recommendation as "Closed – Acceptable Action," FTA has continued to monitor the situation, along with TOC. Over the years, FTA has supported several TOC letters issued to different WMATA General Managers advocating on behalf of the Safety Department for resources and a direct report.

In 2007, FTA found during its audit of TOC that WMATA was not consistently implementing its Standing Safety Executive Committee as required in its System Safety Program Plan. FTA was concerned that without the Standing Safety Executive Committee, there was no consistent and dedicated mechanism to ensure that identified safety concerns were reaching the highest levels of WMATA management. As a result of its audit, FTA recommended that WMATA either (1) re-convene the Standing Safety Executive Committee structure as specified in P/I No. 10-2/1, or (2) determine if another committee structure would provide a more effective way to coordinate on agency-wide safety issues. The purpose of the recommendation was to ensure coordination at the highest levels of the organization regarding safety issues.

During the December 2009 audit, WMATA provided FTA with minutes from Standing Safety Executive Committee meetings for September, October and November 2009. Members from WMATA's Executive Leadership Team are present during the meetings. Absent from the meeting minutes are discussions regarding system hazard identification and resolution activities and the ongoing accident investigation by the NTSB. There is no indication from the meeting minutes that high priority safety issues were presented to the Executive Leadership Team. Interviews with Executive Leadership Team members revealed that they had not been presented with a list of top safety concerns by the Safety Department.

FTA requested a list of the "top 10" safety concerns for the agency and was told that WMATA did not have such a list but that concerns were being investigated in accidents and incidents experienced by

WMATA. At no time was FTA presented with documentation that either the Standing Safety Executive Committee or the Chief Safety Officer had briefed the General Manager on top safety priorities. While WMATA has taken steps to implement its Standing Safety Executive Committee as recommended in 2007, the highest levels of WMATA management do not receive on-going reporting regarding safety concerns and issues.

Throughout FTA's audit, there was evidence that WMATA's Safety Department is not "plugged-in" to critical conversations, decision-making meetings and reporting systems that provide information on hazards and potential safety concerns throughout the agency. Key documents, reports and decisions are not consistently shared with the Safety Department. For example, the Safety Department does not receive and review available monthly reports from Rail Operations, Quality, or Maintenance. The Assistant General Manager for Rail Operations indicated that these reports are available on the agency's intranet. Safety Department representatives indicated during interviews that they are neither aware of the location of the reports, nor are they copied on distribution. On numerous occasions during the audit interviews, Safety Department representatives indicated that they were learning for the first time that information of a safety nature was being documented by operating departments.

Based on discussions and record reviews at WMATA's Track Structures and System Maintenance, it does not appear that there is effective interdepartmental coordination regarding the identification and management of maintenance-related safety hazards between Rail Operations Delivery, Rail Transportation, Track Structures and Systems Maintenance, Vehicle Engineering, the Infrastructure Renewal Project Group, and Engineering Services. Further, through interviews and records reviews, FTA determined that there is no formal process for identifying and managing the likely safety impacts of budgetary decisions affecting maintenance.

For example, FTA requested and reviewed Track Structures and Systems Maintenance's proposed Operating and Capital Business Plans for Fiscal Year 2011. WMATA's Safety Department had not reviewed these documents, in which Track Structures and Systems Maintenance identifies unmet funding needs that have not been analyzed by the Safety Department for potential hazards, such as the following:

- Limited performance of right-of-way drain maintenance (which contributes to infrastructure deterioration and exacerbates stray current and negative return problems, increasing the corrosiveness of the environment);
- Reduced personnel resources to inspect and maintain expanding and aging track infrastructure (due to the condition of the track, new requirements for measuring and managing wheel burns, corrugation, and base corrosion increase the time needed to perform base inspections and the number of special safety inspections is increasing, yet the number of inspectors remains the same);
- Potential fatigue issues with existing right-of-way track inspectors and workers (documented evidence of seventy and eighty hour work weeks on the tracks; in the first quarter of FY 2010, the department went through eighty-one percent of the overtime funding allotted for the entire year);
- Failure to provide resources to calibrate test equipment throughout the agency (almost 2,000 pieces of test equipment are currently beyond the recommended calibration date);
- Reduced level of employee supervision over key safety sensitive positions in Shops and Maintenance (a ratio of twenty-one union employees to one supervisor);
- Need for additional safety equipment to set up protected work areas along the right-of-way (shunt straps, lanterns, rubber mats, etc.); and
- The need for additional specialty training for maintenance employees in key disciplines.

During time on-site at Track Structures and Systems Maintenance, FTA interviewed several Track Walkers at the end of their shift as they entered identified defects for that day into WMATA's maintenance management information system Maximo. The current procedure requires inspectors to hand-write noted defects found in the field, which are then entered into the Maximo system upon returning to the maintenance facility. FTA also requested and reviewed sample Maximo reports documenting several rail burns, rail corrugations, and rail cracks being monitored as a priority #2 (yellow) repair level.

FTA found that hazards identified through inspections and assessments are not elevated for priority analysis. FTA was presented with documentation that indicated that Track Structures and Systems Maintenance employees and managers are very active in Local Safety Committees. While these committees are intended to serve as a means for employees to report hazards, they are primarily focused on reducing workplace injuries and illnesses and associated workers' compensation claims (as documented by meeting minutes). Nevertheless, based on interviews, it appears that a great deal of safety information is collected during these meetings. While a representative from the DuPont WorkSafe Program is normally present at each Local Safety Committee meeting, and while representatives from the Safety Department attend division-level and departmental committee meetings, there is no mechanism in place for the Safety Department to collect and analyze data gathered through each of these committee meetings to identify system-wide hazards. There was no documented evidence of how hazards reported through the committee structure were identified, communicated to management and the Safety Department, are analyzed, tracked and resolved.

The lack of communication from operating and maintenance departments to the Safety Department, coupled with the lack of communication of top safety priorities from the Safety Department to the General Manager presents a disconnect in the flow of critical safety information within and throughout WMATA.

Recommendations

3. **Increase the Safety Department's access to operating and maintenance information and reports to ensure that this information is being analyzed for potential impacts on the safety of WMATA.**

4. **Develop an internal process to require the communication of safety-related information across all WMATA departments, including the impacts of budget reductions and resource constraints on the performance of safety-related maintenance activities and requirements.**

5. **Define and implement the process for the top Safety Department position to communicate safety priorities to the General Manager in a timely and consistent manner.**

11.0 WMATA's Hazard Management Program

Despite having key elements in place, WMATA does not have a process, including a single point of responsibility, which ensures the timely identification and analysis of hazards. As mentioned previously, WMATA's Executive Leadership Team and Safety Department personnel were unable to provide a comprehensive matrix or assessment that identified the agency's on-going evaluation and management of its most serious safety hazards and concerns. Upon questioning, several different WMATA managers indicated that these issues had been identified already in the accidents that were being investigated at WMATA. This WMATA approach is reactive and prevents getting value from the proactive aspects of the hazard management process.

During interviews, WMATA representatives stated that, due to a lack of resources, formal hazard analysis is not routinely performed on system-wide issues. For example, while Safety Department concurrence is required for rules changes, safety analysis is not required to be performed. WMATA personnel also pointed out that WMATA's Board of Directors rarely requests formal hazard analysis or other information on how operating, maintenance or budget decisions may have safety impacts or how the agency is addressing safety-related concerns.

Representatives from WMATA's Safety Department stated during interviews that the department lacks sufficient skills and resources to conduct on-going hazard analyses. WMATA officials explained that the Regulatory Compliance Division, housed within the Safety Department, is responsible for WMATA's corporate safety analysis functions, which included hazard analysis. Due to reductions in work force and on-going budget issues, it was explained to FTA that there are limited resources available. All four analyst positions within the Regulatory Compliance Division have been vacant for over a year.

The primary tool used to identify and assess hazards at WMATA is the Hazard Identification and Resolution Matrix. As being implemented by WMATA, the Hazard Identification and Resolution Matrix does not comply with Procedure Number 2.1/0 or the more general description of this process included in Section 6 of the WMATA System Safety Program Plan. Review of the Hazard Identification and Resolution Matrix indicated that it largely contains incidents reported to the Rail Operations Control Center (that did not meet 49 CFR Part 659 accident reporting criteria but that WMATA personnel believe are significant incidents.) The Hazard Identification and Resolution Matrix is shared with TOC, and files are kept by fiscal year.

The hazards included in the Hazard Identification and Resolution Matrix are limited in source and type and repetitive in kind. For example, all hazards reported in the fiscal year 2010 Hazard Identification and Resolution Matrix were identified by the Rail Operations Control Center and occurred during revenue operations. No hazards were identified from any other source, such as passenger complaints, the results of Quality audits, reports on rules violations compiled by supervisors, assessments of maintenance records, internal safety audits, or analysis of the impacts of unmet budget requests.

Recommendations

6. **Identify the technical skills required to perform system-wide hazard analysis (as required in 49 CFR Part 659 and TOC's Program Standard). To the extent that WMATA Safety Department staff does not currently possess the needed skills, provide training as soon as practicable.**

7. **Update the WMATA System Safety Program Plan (specifically Procedure #2.1/0 and Section 6) to develop a hazard management process that ensures that all WMATA departments participate in an on-going manner.**

12.0 WMATA Rules Compliance and Right-of-Way Safety

Section 12 of TOC's Program Standards and Procedures requires WMATA to address rules compliance and procedures reviews in its System Safety Program Plan. This must include a review of the rules and procedures subject to review, the process for ensuring rules compliance, including compliance techniques for operations and maintenance personnel, as well as supervisory personnel, and WMATA's process for documenting its rules compliance program.

Section 13 of WMATA's System Safety Program Plan responds to this requirement by establishing the rules and procedures compliance and review process used by the agency. The System Safety Program Plan states that rules and procedures are evaluated via spot audits conducted by the Safety Department and as part of the incident and accident investigation process. Supervisors and managers evaluate compliance with and the adequacy of the WMATA rulebook and make recommendations for modifications or additions as part of their review of incident reports filed by employees. Employees are also tested during initial and refresher training to ensure they remain cognizant of the WMATA rules and procedures, and the Quality Assurance/Quality Control Department conducts spot audits of rail operations to monitor rulebook compliance.

WMATA's current rulebook has been in a state of revision since 2006. A rulebook committee, which includes Union representation and members from different WMATA departments including the Safety Department, has been created to manage the rulebook revision process. To date, the first four sections of the rulebook have been revised, reviewed and fully approved by the rulebook committee. WMATA hopes to complete the remaining revisions and to reissue the rulebook by June 2010. In addition, TOC has involved in the rulebook revision process.

During the audit, FTA requested that TOC and WMATA discuss the development, implementation and enforcement processes that have been used by the agency to create and issue Special Order 07-06. WMATA personnel explained that Special Order 07-06 was developed in response to National Transportation Safety Board recommendations made as a result of the Dupont Circle and Eisenhower Avenue accidents that occurred in 2006 and resulted in the deaths of two track workers.

WMATA's rail operations department led the development of Special Order 07-06, and although WMATA representatives stated that other departments, including the Safety Department, were involved in its development, WMATA representatives could not produce evidence that analysis was performed to determine and evaluate how rule changes may or may not impact safety. In addition, although the Special Order was a corrective action resulting from a reportable accident, TOC stated that it was not consulted during the development of this Special Order.

WMATA representatives stated that all applicable employees have been trained regarding Special Order 07-06 and that employees are required to sign for all Special Orders. WMATA's Rail Operations Delivery Department typically issues two notifications within thirty days of a new rule or procedure being implemented to heighten employee awareness and to afford employees an opportunity to review rule changes before they are implemented. FTA learned that the primary component of the training consisted of supervisors providing the Special Order to employees and having them sign that they understand the rule.

WMATA has monitored compliance with Special Order 07-06 through supervisory spot checks of train operators conducted by Rail Transportation, through unannounced observations of inspectors and maintainers conducted by Track Structures and Systems Maintenance, and through rule compliance audits conducted by the Quality Assurance/Quality Control Department. WMATA representatives also stated that the Quality Assurance/Quality Control Department tests new rules and procedures immediately after they are implemented. However, representatives from the Quality Assurance/Quality Control Department later clarified that of the three hundred total audits that have been performed by the Department over the last fourteen months; twenty were related to right-of-way safety and compliance with Special Order 07-06. Representatives from the Safety Department stated that the department does not perform rules compliance audits.

TOC has also conducted audits of WMATA's track worker safety rules and procedures. In 2007, TOC's measure of WMATA compliance with Special Order 07-06 was only 45%. WMATA representatives

stated that their own rule compliance checks of Special Order 07-06 have yielded similar results. In response, and as a result of recent track worker fatalities that occurred in August and September, 2009, WMATA is again revising Special Order 07-06. The Safety Department has not been tasked to conduct a safety analysis of the pending revisions.

On December 2nd and 10th, 2009, TOC conducted additional reviews of WMATA's roadway worker protection program to monitor compliance with Special Order 07-06. TOC's preliminary findings from these activities were issued to WMATA on December 11, 2009. The preliminary report highlights a number of safety issues and states that "TOC observed numerous violations of WMATA's roadway worker protection rules and procedures, and as such believes that WMATA's roadway worker protection program is not effective as it is currently written, applied, and enforced." TOC also reported, and WMATA personnel confirmed, that there is some degree of antagonism between employees working on the right-of-way and train operators. In addition, WMATA has not established a formal procedure and training program for TOC access to the right-of-way.

Before the TOC audit, WMATA was not tracking any open hazard or corrective action plan specifically related to enhancing compliance with Special Order 07-06 or revisiting the requirements. During interviews, Safety Department representatives stated that they focused on Personal Protective Equipment issues at work sites and did not actively assess compliance with Special Order 07-06 in the field. Aside from the Quality audits, WMATA was not collecting in-depth information on train speeds approaching moving work crews or the accuracy of the announcement made by the controllers regarding the locations of workers on the ROW. The quality checks performed by Rail Transportation supervisors did not include Special Order 07-06 elements as a programmed feature.

Interviews conducted by FTA with train operators and supervisors and track and structures inspectors and supervisors demonstrated the serious nature of the challenges in implementing Special Order 07-06. Supervisors and operators stated that communications from the Rail Operations Control Center do not specify the exact location of right-of-way workers that on the alignment. Announcements are generalized and at times right-of-way workers are in a different location than the operators expected given the announcement. Operators stated that in some cases they do not know right-of-way workers are on the alignment until they have visual contact, and when this occurs in "blind spots" operators have limited ability to slow the train. Operators further stated that there is an expectation for schedule adherence, notwithstanding slow zones, and they do not understand why schedules are not adjusted when right-of-way workers are on the alignment. Train operators and supervisors and track and structures inspectors and supervisors all presented ideas to FTA for how to improve the design of Special Order 07-06 and to enhance safety on the right-of-way, including the use of flaggers, the use of a "blue light" or flag system (as used in the yard), lowering operating speeds at specific times of day, whistle boards, and additional training.

As a result of the TOC safety audit; WMATA assembled a Track Safety Task Force to perform an extensive review of its existing right-of-way safety program, including Special Order 07-06. During the period January 11 to 13, 2010, FTA and TOC both participated in a WMATA-led Right-of-Way Safety Workshop along with representatives from the Bay Area Rapid Transit (BART) District, the Maryland Transit Administration (MTA), New York City Transit Authority (NYCTA), and the Southeastern Pennsylvania Transportation Authority (SEPTA). Amalgamated Transit Union (ATU) Local 689 also participated in the Task Force.

As WMATA moves forward in addressing the issues identified by TOC and the results from its Task Force Workshop, FTA makes the following recommendations to WMATA:

Recommendations

8. **Institute a process to ensure that changes in rules are analyzed for safety impacts before system-wide implementation.**

9. **Finalize the right-of-way protection rules, develop training to implement the new rules and ensure all right-of-way employees and contractors receive this training before accessing the right-of-way.**

13.0 WMATA's Configuration Management Program

A number of safety critical documents were presented during the field review of Track Structures and Systems Maintenance including the recently revised WMATA Track Inspection Manual. None of the documents reviewed contained control numbers, the person to which the document is assigned, or a revision history. Track Structures and Systems Maintenance managers present stated that there was no formal procedure for document control. Document control is a critical element of configuration management. Configuration management is defined in WMATA's System Safety Program Plan January 2010 in Section 17.0 and notes five basic program elements, i.e. Program Management, Technical Requirements, Change Control, Document Control, and Audits and Self Assessments. Ostensibly, WMATA is not ensuring that manuals, standards, inspection procedures, or other asset modification documentation is part of their configuration management program as described in their System Safety Program Plan. To address this issue, FTA makes the following recommendations to WMATA:

Recommendations

10. **Implement the configuration management program described in the WMATA System Safety Program Plan.**

Appendix A: Materials Received

WMATA System Safety Program Plan (SSPP)
WMATA Accident/Incident Investigation Procedure
WMATA Corrective Action Plan (CAP) Tracking Matrix
Hazard/Incident Reporting Matrix
TOC Accident-Incident Matrix
TOC's 2007 Three-Year Review of WMATA
Updated matrix tracking the status of WMATA activity to address findings and recommendations
Results of any follow-up assessments to the 2007 Three-Year Review
Organization Chart for WMATA (if not included in the SSPP)
List of all rail Safety Committees at WMATA, their members, and the schedule for their meetings (if not included in SSPP)
Statement of Work for DuPont Safety Consulting Program used by WMATA
Overview of DuPont Safety Program, its organization, the key activities it has performed, and its past and current rule in WMATA's Safety Program
Current Metrorail Safety Rules and Procedures Handbook (MSRPH) and a copy of the annual refresher training currently provided on the MSRPH
DRAFT REVISED Metrorail Safety Rules and Procedures Handbook
Copies of key Special Orders used to govern Operations, including Special Order 07-06
Copies of all accident investigation reports for 2009 submitted by WMATA to TOC
TOC's detailed response to WMATA and all follow up correspondence between WMATA and TOC regarding WMATA's 2008 internal safety audit of its Rules Compliance Program
Copies of all TOC-WMATA monthly meeting minutes, including attachments
Several sample Metrorail "Safety Rules of the Week"
Rail Quality Check Form and current "Performance Plan" for Management with specified targets for Supervisors to conduct their checks and for Operators to be checked
Sample Rule Violations Weekly Summary Report (reviewed by Line Services Directors) from the last month
WMATA P/I No. 1.13/0 establishing the SSPP
WMATA P/I No. 10-2/1 establishing the Standing Safety Executive Committee (SSEC)
WMATA P/I No. 1.11/0, which governs Accident Notification of CEO and Board
WMATA Safety Rules and Procedures Manual (SRPM)
Section 7.0 of the Accident, Incident and UHC Investigation Procedure, No. 2.4/1 of the SRPM, which governs hazard investigation
Procedure No. 2.2/1 of the SRPM, which governs safety certification
SRPM No. 2.3/1: Internal Safety Audit Process, which provides guidelines for the Internal Safety Audit Process

Appendix B: TOC Audit Findings Tracking Matrix

Audit Finding	Action Required for Closeout	Date Due	Prior TOC Activity FTA Response	Status	TOC Action/ Projected Completion Date
Finding #1: Assess the level of resources necessary from each jurisdiction (District of Columbia, Maryland and Virginia) to meet TOC's responsibilities. Use the results of this assessment to establish resource commitments from each jurisdiction to TOC for the next three calendar years. Resources should be committed and onboard before the beginning of the next Federal audit cycle.	• Conduct a resource analysis for each jurisdiction (District of Columbia, Maryland and Virginia) to: (1) Identify all required TOC SSO Program activities, as described in Part 659 and TOC's Program Standard; (2) Evaluate the resources needed to implement all required SSO activities.	05/04/10		OAA	
	• Submit the completed resource analysis to FTA.	05/04/10		OAA	
	• Provide formal commitment letters from each jurisdiction to FTA, stating the level of resources that will be committed to TOC by each jurisdiction for the next three calendar years.	05/04/10		OAA	
Finding #2: Evaluate the technical and professional skills that TOC representatives need to effectively carry out their oversight duties. To the extent that TOC representatives do not currently possess these skills, ensure training is provided as soon as practicable to each TOC member.	• Conduct an evaluation of the technical and professional skills TOC members need to effectively carry out their oversight duties.	05/04/10		OAA	
	• Provide FTA with a copy of the evaluation results. This must: (1) Identify the training needed by each TOC member. (2) Provide a schedule of when needed training will be received by each TOC member.	05/04/10		OAA	

Audit Finding	Action Required for Closeout	Date Due	Prior TOC Activity FTA Response	Status	TOC Action/ Projected Completion Date
	• Provide FTA with documentation verifying that training has been received by each TOC member as determined necessary to carry out their TOC responsibilities.	05/04/10		OAA	
Finding #3: Determine the best method to respond quickly and professionally, as WMATA safety situations arise and require coordinated action. Consider whether full-time TOC positions can be vested with decision-making authority to act in specific safety situations with WMATA.	• Provide FTA with documentation (i.e., copies of formal reports, evaluations, meeting minutes, etc.) verifying that TOC has evaluated how it can best respond to WMATA safety situations.	05/04/10		OAA	
	• Provide FTA with documentation identifying which full-time TOC positions have been vested with decision making authority to act in specific safety situations with WMATA.	05/04/10		OAA	
Finding #4: Identify and formalize a mechanism to ensure that critical unresolved WMATA safety concerns identified by TOC members are elevated to the highest levels of each TOC jurisdictional agency and WMATA for immediate action.	• Provide FTA with documentation verifying that TOC has created and is using a formal mechanism to ensure unresolved WMATA safety concerns identified by TOC members are elevated to the highest levels of each TOC jurisdictional agency and WMATA for immediate action.	05/04/10		OAA	
Finding #5: Require WMATA to complete a timely, thorough, and competent review and update of WMATA's Safety Rules and Procedures Manual. This review and update must reflect actual current practices and needed improvements	• Provide FTA with copy of the formal letter correspondence TOC sends to WMATA requiring WMATA to complete a full and competent review and update of its Safety Rules and Procedures Manual.	05/04/10		OAA	

Audit Finding	Action Required for Closeout	Date Due	Prior TOC Activity FTA Response	Status	TOC Action/ Projected Completion Date
identified by TOC and by FTA in this audit report.	• Establish a firm deadline for WMATA to complete the review and revision of its Safety Rules and Procedures Manual. Inform FTA of the established deadline.	05/04/10		OAA	
	• Provide FTA with a copy of the fully reviewed and revised Safety Rules and Procedures Manual.	05/04/10		OAA	
	• Provide FTA with documentation verifying that TOC has received, reviewed and approved the final revised Safety Rules and Procedures Manual (i.e., TOC's formal correspondence to WMATA stating such).	05/04/10		OAA	
Finding #6: Require WMATA to develop (and TOC to review and approve) an internal WMATA safety audit recovery plan for calendar year 2010 and calendar year 2011. Before WMATA develops this plan, TOC should sponsor a meeting with WMATA's Safety Department, Quality Department, and Executive Leadership Team to explain the internal safety audit program requirements and TOC's expectations regarding WMATA's internal safety audit recovery plan.	• Provide FTA with documentation (i.e., correspondence, meeting minutes, presentations, etc.) verifying that TOC held a meeting with WMATA's Safety Department, Quality Department, and Executive Leadership Team to explain the internal safety audit program requirements of its Program Standard and Part 659, and TOC's expectations regarding WMATA's internal safety audit recovery plan.	05/04/10		OAA	
	• Provide FTA with a copy of the Internal Safety Audit Recovery Plan developed by WMATA.	05/04/10		OAA	

Audit Finding	Action Required for Closeout	Date Due	Prior TOC Activity FTA Response	Status	TOC Action/ Projected Completion Date
	• Provide FTA with documentation verifying that TOC has received, reviewed, and approved WMATA's Internal Safety Audit Recovery Plan (i.e., TOC's formal correspondence to WMATA stating such).	05/04/10		OAA	
Finding #7: Require WMATA to develop a recovery plan to complete all open accident investigations following procedures established in TOC's Program Standard, WMATA's System Safety Program Plan and WMATA's Accident Investigation Procedures.	• Provide FTA with documentation verifying that TOC is requiring WMATA to develop an Accident Investigation Recovery Plan to complete all open accident investigations following the procedures established in TOC's Program Standard, WMATA's System Safety Program Plan, and WMATA's Accident Investigation Procedures.	05/04/10		OAA	
	• Provide FTA with a copy of the Accident Investigation Recovery Plan developed by WMATA.	05/04/10		OAA	
	• Provide FTA with documentation verifying that TOC has received, reviewed, and approved WMATA's Accident Investigation Recovery Plan (i.e., TOC's formal correspondence to WMATA stating such).	05/04/10		OAA	
Finding #8: Document the Corrective Action Plan Technical Review process in TOC's Program Standard and Procedures and WMATA's System Safety Program Plan.	• Revise TOC's Program Standard and WMATA's System Safety Program Plan to accurately describe the Corrective Action Plan Technical Review Process used by TOC and WMATA.	05/04/10		OAA	

Audit Finding	Action Required for Closeout	Date Due	Prior TOC Activity FTA Response	Status	TOC Action/ Projected Completion Date
	• Provide FTA with a copy of TOC's final revised Program Standard documenting the Corrective Action Plan Technical Review process.	05/04/10		OAA	
	• Provide FTA with a copy of WMATA's final revised and approved System Safety Program Plan, documenting the Corrective Action Plan Technical Review process.	05/04/10		OAA	
	• Provide FTA with a copy of TOC's formal correspondence to WMATA stating its review and approval of the revised WMATA System Safety Program Plan. This must include a copy of the completed checklist used by TOC to conduct its review of the revised WMATA System Safety Program Plan.	05/04/10		OAA	
Finding #9: Work with WMATA to ensure that there is a process in place for evaluating Corrective Action Plan (CAP) alternatives that may be necessary as a result of capital and operating program resource limitations.	• Provide FTA with documentation (i.e., correspondence, meeting minutes, presentations, etc.) verifying that TOC has met with WMATA to develop a process for evaluating Corrective Action Plan alternatives that may be necessary as a result of capital and operating program resource limitations.	05/04/10		OAA	
	• Provide FTA with an explanation of the process developed by TOC and WMATA to evaluate CAP alternatives necessary as a result of capital and operating program resource limitations.	05/04/10		OAA	

222

Audit Finding	Action Required for Closeout	Date Due	Prior TOC Activity FTA Response	Status	TOC Action/ Projected Completion Date
	• Ensure WMATA revise its SSPP to accurately reflect and document the process developed by TOC and WMATA to evaluate CAP alternatives.	05/04/10		OAA	
	• Provide FTA with a copy of WMATA's final revised and approved System Safety Program Plan, documenting the Corrective Action Plan Technical Review process.	05/04/10		OAA	
	• Provide FTA with a copy of TOC's formal correspondence to WMATA stating its review and approval of the revised WMATA System Safety Program Plan. This must include a copy of the completed checklist used by TOC to conduct its review of the revised WMATA System Safety Program Plan.	05/04/10		OAA	
Finding #10: Require WMATA to develop and implement a comprehensive and system-wide hazard management program (as specified in 49 CFR Part 659.31).	• Provide FTA with documentation (i.e., correspondence, reports, meeting minutes, etc.) verifying that TOC has required WMATA to develop and implement a comprehensive and system-wide hazard management program as specified in 49 CFR Part 659.31 and TOC's Program Standard.	05/04/10		OAA	
	• Conduct an audit of WMATA's implementation of its hazard management program and provide FTA with a copy of the audit results including all findings and recommendations made by TOC.	05/04/10		OAA	

Audit Finding	Action Required for Closeout	Date Due	Prior TOC Activity FTA Response	Status	TOC Action/ Projected Completion Date
	• Provide FTA with documentation verifying that this hazard management program is being administered as required by TOC's Program Standard and WMATA's System Safety Program Plan.	05/04/10		OAA	
Finding #11: Require WMATA to strictly adhere to the annual certification of compliance with its System Safety Program Plan (as specified in 49 CFR 659.43), including identifying areas where WMATA is not in compliance with its System Safety Program Plan as well as specific actions WMATA is taking to achieve compliance.	• Provide FTA with documentation (i.e., correspondence, meeting minutes, reports, etc.) verifying that TOC is requiring WMATA to strictly adhere to the annual certification of compliance requirements of Part 659.43 and TOC's Program Standard.	05/04/10		OAA	
	• Provide FTA with a copy of WMATA's annual certification of compliance for 2009.	05/04/10		OAA	
	• Provide FTA with documentation verifying that TOC has received reviewed, and accepted (or disapproved) WMATA's annual certification of compliance. If TOC does not approve WMATA's annual certification of compliance, provide FTA with documentation as to why the annual certification was rejected and the actions TOC is requiring WMATA to take to correct the annual certification of compliance.	05/04/10		OAA	

224

Appendix C: WMATA Audit Recommendations Tracking Matrix

Audit Recommendations	Action Required for Closeout	Date Due	Prior WMATA Activity FTA Response	Status	WMATA Action/ Projected Completion Date
Recommendation #1: Conduct an assessment to identify the resources and expertise necessary for the Safety Department to carry out the activities specified in WMATA's System Safety Program Plan and Safety Rules and Procedures Manual.	• Conduct an assessment of WMATA's Safety Department to identify the resources and expertise necessary to fully carry out the activities specified in WMATA's System Safety Program Plan and Safety Rules and Procedures Manual. (1) Identify all required Safety Department activities, as described in these documents. (2) Evaluate the resources needed to implement all required activities.	05/04/10		OAA	
	• Provide FTA with a copy of the completed assessment.	05/04/10		OAA	
Recommendation #2: Use the results of the assessment to ensure adequate staffing levels and expertise within the Safety Department.	• Using the results from recommendation #1 above, develop a Resource Recovery Plan to ensure adequate staffing levels and expertise are obtained (if needed) and maintained by WMATA's Safety Department.	05/04/10		OAA	
	• Provide FTA with a copy of the Resource Recovery Plan.	05/04/10		OAA	
Recommendations #3: Increase the Safety Department's access to operating and maintenance information and reports to ensure that this information is being analyzed for potential impacts on the safety of WMATA.	• Provide FTA with documentation verifying that WMATA has taken steps to increase the Safety Department's access to operating and maintenance information and reports.	05/04/10		OAA	

Audit Recommendations	Action Required for Closeout	Date Due	Prior WMATA Activity FTA Response	Status	WMATA Action/ Projected Completion Date
	• Provide FTA with copies of analyses conducted by the Safety Department using operating and maintenance information and reports.	05/04/10		OAA	
Recommendation #4: Develop an internal process to require the communication of safety-related information across all WMATA departments, including the impacts of budget reductions and resource constraints on the performance of safety-related maintenance activities and requirements.	• Provide FTA with documentation that WMATA has developed an internal process for communicating safety-related information across all WMATA departments, including the impacts of budget reductions and resource constraints on the performance of safety-related maintenance activities and requirements.	05/04/10		OAA	
	• Revise the WMATA System Safety Program Plan to accurately document and describe this process.	05/04/10		OAA	
	• Provide FTA with a copy of the WMATA System Safety Program Plan, approved by TOC, revised to document this process.	05/04/10		OAA	
Recommendation #5: Define and implement the process for the top Safety Department position to communicate safety priorities to the General Manager in a timely and consistent manner.	• Provide FTA with documentation verifying that WMATA has created and implemented a process for the top Safety Department position to communicate safety priorities to the General Manager in a timely, consistent and ongoing manner.	05/04/10		OAA	

Audit Recommendations	Action Required for Closeout	Date Due	Prior WMATA Activity FTA Response	Status	WMATA Action/ Projected Completion Date
	• Revise the WMATA System Safety Program Plan to accurately document and describe this process.	05/04/10		OAA	
	• Provide FTA with a copy of the WMATA System Safety Program Plan, approved by TOC, revised to document this process.	05/04/10		OAA	
Recommendation #6: Identify the technical skills required to perform system-wide hazard analysis (as required in 49 CFR Part 659 and TOC's Program Standard). To the extent that WMATA Safety Department staff does not currently possess the needed skills, provide training as soon as practicable.	• Conduct an assessment of WMATA's Safety Department to identify the resources and expertise necessary to fully carry out the activities specified in WMATA's System Safety Program Plan and Safety Rules and Procedures Manual. (1) Identify the technical skills required by the Safety Department to perform system-wide hazard analysis. (2) Identify what training is needed by Safety Department staff to be capable of performing such hazard analyses.	05/04/10		OAA	
	• Provide FTA with a copy of the completed assessment.	05/04/10		OAA	
	• Develop a Training Plan to ensure Safety Department staff receives the training necessary to conduct system-wide hazard analyses.	05/04/10		OAA	

Audit Recommendations	Action Required for Closeout	Date Due	Prior WMATA Activity FTA Response	Status	WMATA Action/ Projected Completion Date
	• Provide FTA with a copy of the Training Plan. This must include a schedule identifying: (1) Safety Department staff by name, title and primary responsibility. (2) The training to be completed by each staff member. (3) When the training will be received.	05/04/10		OAA	
	• Provide FTA with documentation that Safety Department staff have received the training identified in the Training Plan.	05/04/10		OAA	
Recommendation #7: Update the WMATA System Safety Program Plan (specifically Procedure #2.1/0 and Section 6) to develop a hazard management process that ensures that all WMATA departments participate in an on-going manner.	• Revise the WMATA System Safety Program Plan to accurately document and describe WMATA's hazard management process that ensures all WMATA departments participate in an ongoing manner.	05/04/10		OAA	
	• Provide FTA with a copy of the WMATA System Safety Program Plan, approved by TOC, revised to document this process.	05/04/10		OAA	
Recommendation #8: Institute a process to ensure that changes in operating rules are analyzed for safety impacts before system-wide implementation.	• Provide to FTA documentation that the WMATA Safety Department and Executive Leadership Team have met to develop a process for ensuring that changes in operating rules are analyzed for safety impacts before system-wide implementation.	05/04/10		OAA	

Audit Recommendations	Action Required for Closeout	Date Due	Prior WMATA Activity FTA Response	Status	WMATA Action/ Projected Completion Date
	• Revise the WMATA System Safety Program Plan to accurate document this process.	05/04/10		OAA	
	• Provide FTA with a copy of the WMATA System Safety Program Plan, approved by TOC, revised to document this process.	05/04/10		OAA	
Recommendation #9: Finalize the right-of-way protection rules and develop training to implement the new rules. Ensure all right-of-way employees and contractors receive this training before accessing the right-of-way.	• Provide FTA with a copy of WMATA's finalized right-of-way protection rules and associated training program, including documentation that they have been received, reviewed by and approved by TOC.	05/04/10		OAA	
	• Provide FTA with documentation (i.e., training records) verifying that all right-of-way employees and contractors have received this training before accessing the right-of-way.	05/04/10		OAA	
Recommendation #10: Implement the configuration management program described in the WMATA System Safety Program Plan.	• Conduct an internal safety audit of WMATA's configuration management program to identify all elements of the program that are not being implemented and to develop recommendations and a plan for addressing these findings.	05/04/10		OAA	
	• Provide FTA with a copy of the internal safety audit results (pertaining to the configuration management program) and a copy of the plan developed by WMATA to address the audit findings.	05/04/10		OAA	

229

Tri-State Oversight Committee (TOC)

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Emile Smith

Maryland Department of Transportation
George Good
Bernadette Bridges

Virginia Department of Rail and Public Transportation
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Rail Transit Special Safety Study – Roadway Worker Protection (RWP)

Washington Metropolitan Area Transit Authority
Metrorail System

Conducted May & December 2009

Draft Final Report
December 31, 2009

Table of Contents

Table of Contents 2
1. Introduction 3
1.1 Roadway Worker Protection Review Criteria 5
1.2 Implementation and Operating Practices 5
1.3 Rules and Procedures 5
1.4 Training 5
2. Metrorail Roadway Worker Protection 6
2.1 Metrorail Roadway Worker Protection Implementation and Operating Practices 6
2.2 Metrorail Rules and Procedures 10
2.3 Metrorail RWP Training 13
3. Appendix 16
3.1 Summary of Findings 16
3.2 Documents Reviewed 17
3.3 Persons Interviewed 18
3.4 Facilities/Locations Visited 19

1. Introduction

The Tri-State Oversight Committee (TOC) serves as the designated State Safety Oversight (SSO) Agency (as required under 49 CFR §659) for the Washington Metropolitan Area Transit Authority (WMATA) Metrorail fixed guideway transit system. As part of its SSO responsibilities, TOC periodically conducts assessments of issues that affect the safe operation of WMATA's rail transit system. Personnel safety and operational safety are among the SSO Program's most critical review areas.

TOC intensified its focus of safety in the WMATA right-of-way (ROW) following three incidents in which a total of four WMATA employees were killed while working in the ROW in 2005 and 2006:

- October 1, 2005 at Braddock Road
- May 14, 2006 at Dupont Circle
- November 30, 2006 at Eisenhower Avenue (two employees killed)

During the 2007 Triennial Safety and Security Review at WMATA, TOC issued the following Findings related to WMATA's roadway worker protection (RWP) program:

> **Finding 10.** It appears that the track worker protection rules set forth in Special Order 07-02 are being consistently violated and are not properly enforced.
>
> **Finding 14.** The Right-of-Way Training program should be more structured and cover topics more specifically.

WMATA took corrective steps to address these two findings, issuing Special Order 07-06 to supersede 07-02 as well as parts of the current (2004) WMATA Metrorail Safety Rules and Procedures Handbook (MSRPH), and updating the syllabus for its Employee Right-of-Way Training program. TOC accepted these as appropriate corrective actions, and has since closed both of the Findings from the 2007 Triennial Review.

However, due to the safety-critical nature of RWP, and following discussions with WMATA managers after the issuance of the Findings, TOC sought to follow up on WMATA's RWP program to ensure that WMATA was successfully implementing its own enhanced policies and procedures.

During May and December 2009, TOC reviewed WMATA's RWP program. This follow up assessment was intended to verify the implementation and enforcement of improvements to WMATA's RWP program in the wake of the employee fatalities and the findings from the 2007 Triennial Safety and Security Review. The assessment consisted of the following components:

- A review of WMATA's RWP plans, policies, procedures, and training program.
- Interviews with WMATA managers involved in the implementation of the RWP program, including representatives from Safety, Quality Assurance (QA), Rail Operations/

Transportation, the Operations Control Center, and systems/maintenance departments whose employees perform work in the ROW, as well as front-line employees from those departments.
- A review of records of RWP audits and enforcement activities, including efficiency checks/ride checks/rule compliance checks, control center logs, etc.
- Field observations and verification activities.

TOC completed three of the four above-listed review components in May 2009, but was unable to complete field observation and verification activities until December 2009. In the interim period, WMATA experienced two more fatalities of employees in the ROW:

- August 9, 2009 at Dunn Loring
- September 10, 2009 at Braddock Road

The methodology and results of TOC's review are documented in the following report.

TOC provided a written summary of the review team's preliminary findings to WMATA on December 11, 2009. Additionally, TOC discussed its preliminary findings with WMATA managers during a December 11, 2009 conference call. This information was provided with the goal of giving WMATA time to develop an interim response to the identified issues.

This report and its Findings are submitted to WMATA's Safety Department, with the expectation that the department will analyze them, review them with appropriate WMATA personnel, and develop appropriate Corrective Action Plans (CAPs) to address each Finding. TOC respectfully requests that WMATA assemble a timely written response to this report, including details of its analysis and disposition of each Finding identified therein. **WMATA should submit the written response with the proposed CAPs to TOC for review and approval no later than January 31, 2010, and earlier, if practical. All CAPs must be developed in accordance with the requirements set forth in the TOC Program Standard and Procedures (February 2009).**

This review examines three major RWP areas for Metrorail:

- Implementation and operating practices
- Rules and procedures
- Training

TOC observed serious violations of WMATA's RWP rules and procedures, and as such believes that WMATA's RWP program is not effective as it is currently written, applied, and enforced. Additionally, TOC believes that the training received by WMATA employees and contractors for ROW safety is not adequate, and that the training requirements are inconsistently applied. WMATA should take immediate, short-term action to better ensure the safety of workers in the ROW. The adverse issues with the RWP program stem from the appropriateness of the rules and procedures themselves, their implementation, physical characteristics of the Metrorail system, training inadequacies, and apparent organizational and cultural issues. More detailed Findings are described below in support of this general assertion.

1.1 Roadway Worker Protection Review Criteria

Rules, training, and practices were:

- Objectively reviewed for consistency, compliance, and implementation.
- Compared to external standards including the American Public Transportation Association (APTA) draft *Standard for Roadway Worker Protection Requirements.*
- Compared with industry best practices.

1.2 Implementation and Operating Practices

The review team assessed control center communications, interviewed operations and maintenance personnel regarding RWP practices, examined completed job and safety briefing forms, and assessed field implementation of both fixed work areas and moving work areas (such as a crew of Track Walkers moving from point to point), from both the wayside and train operator's perspectives.

1.3 Rules and Procedures

The review examined documentation including the WMATA MSRPH, Special Order 07-06, and supplemental information from operating and maintenance departments. During this stage, the review team sought to establish that WMATA has appropriate RWP rules and procedures in place.

1.4 Training

All of the TOC members and their agents who comprised the review team successfully completed WMATA's Employee Right-of-Way Training class (generally referred to hereafter as the "ROW class"). The review team also discussed supplemental training regimes, such as safety briefings, job briefings, WMATA's "Safety Contacts," and "Safety Conversations."

2. Metrorail Roadway Worker Protection

2.1 Metrorail Roadway Worker Protection Implementation and Operating Practices

2.1.1 Control Center

The TOC review team interviewed the Director of Operations Central Control (OCC), as well as a Line Controller, to discuss how OCC administers WMATA's RWP program. The formal procedures for OCC's role in RWP are generally described by Special Order 07-06, and relate specifically to the communication with train operators and employees working in the ROW. Controllers appeared to keep track of personnel on the ROW using the "Maintenance Personnel Track Access" form, though there did not appear to be any formal procedure or requirement associated with tracking personnel on the ROW. This issue is also described in a Finding later in this report.

2.1.2 Inspection and maintenance along the ROW

The review team interviewed maintenance managers and front-line employees to discuss safety in the ROW and general implementation of RWP rules and procedures. The reviewers then accompanied WMATA employees performing work in the ROW to observe compliance with WMATA's RWP rules and procedures. The team split up to observe a representative sample of trains passing through areas with workers present, and a representative sample of locations throughout the Metrorail system. During field observations, the most time was spent observing walking track inspections during the mid-day off-peak period from approximately 10:00 am to 2:00 pm. However, the review team also observed other employees from the Track Structures/Systems Maintenance Department (TSSM), as well as the Office of Infrastructure Renewal Program (IRPG), during late evening "early outs," whereby work in a fixed location commences prior to the end of revenue service. In all instances, the review team attended safety briefings with the employees prior to beginning work in the field. The review team was able to observe RWP implementation by the employees, as well as trains passing through and radio communications. Note that the review team did not measure train speed, but did make general estimates based on visual observations.

2.1.3 Train operation in the vicinity of employees in the ROW

The review team interviewed managers and front-line employees from Rail Transportation (RTRA). The reviewers also conducted observations from on-board revenue trains passing through areas where employees were working in the ROW in order to observe RWP rule compliance by train operators. All observations were made out the front window of the train, from directly behind the operator's cab. The review team listened to OCC announcements in order to track the known location of employees in the ROW, and was able to directly observe the train speedometer to determine compliance with rule speeds associated with Special Order 07-06.

Findings

Finding 1. The review team observed several critical RWP rule violations by train operators in the vicinity of employees working in the ROW.

- One of the review teams experienced a near-miss situation when a train that appeared to be operating at full track speed passed the employees working along the ROW without appearing to slow down at all or acknowledge the employees' presence in any other way, in direct violation of Special Order 07-06 (3.87). Though there were no injuries, the employees and review team members were forced to quickly scramble out of the way to avoid being struck by the train in question due to the speed with which it appeared to approach. At the time of this report, this incident is still under investigation by WMATA.
- The review team observed multiple instances of trains speeding up to what appeared to be greater than 10 mph prior to fully clearing personnel on the ROW, in violation of Special Order 07-06 (3.87d).
- The review team observed general non-compliance with Special Order 07-06 (3.87b) which states:

> "Upon being notified of personnel on the right-of-way, train operators approaching or in the affected area (2-stations prior to work crew or site) shall stop and switch to [manual mode] and operate the train at a speed no greater than 35 mph. Note: Affected area begins two (2) stations prior to a known work site or crew."

This portion of Special Order 07-06 does not appear to be applied or enforced, in general. These observations were made from on-board a train with a clear view of the speedometer, as well as from the ROW.

WMATA should take immediate short-term corrective action to address these safety-critical rule compliance issues. WMATA should also evaluate all of the rules and procedures governing RWP, including, but not limited to, procedures set forth in Special Order 07-06. WMATA should determine whether they effectively facilitate the safety of employees in the ROW as currently written, or if some modifications should be made to accommodate more practical considerations of WMATA's operating environment. WMATA should provide documentation of its actions to address these issues to TOC.

Finding 2. The review team observed several critical RWP implementation issues by employees working in the ROW.

- The reviewers observed multiple instances of more than one adjacent employee working in the ROW giving hand signals to trains simultaneously.
- Although MSRPH 3.148 states that "employees assigned to flagging duties shall not be assigned to perform any other duty," this prohibition does not appear to be extended to "lookouts" or "watchpersons," which is related to, but distinct from, flagging trains.
- The reviewers observed an employee working in the ROW use a Blackberry to contact OCC to report a safety rule violation by a train operator (rather than a radio). WMATA's Special

Order 08-05 states that "if job-related cellular communications are required, stop work activities and make or receive the call from a place of safety." This language does not make clear what types of cellular communications may be permissible, nor does it connote what constitutes a "place of safety."

- The reviewers observed multiple instances of employees working in the ROW using an improper "proceed" signal. This included a wrist-flick rather than a full vertical arm motion, as well as an instance of proceed signals given without a flashlight while in a dark environment.
- The reviewers observed an instance of employees working in the ROW who had their backs to a passing train. (This observation was made from on-board a train).

The review team is aware that the majority of employees observed working in the ROW generally did comply with WMATA's RWP rules and procedures. However, it is the expectation of the TOC that given the criticality of these rules for safety, there should be full compliance with them. WMATA should take immediate short-term actions to address the issues described in this Finding, and provide documentary evidence of these actions to TOC by January 31, 2010.

Finding 3. WMATA front-line employees indicated to the review team that OCC generally does not announce the presence of workers often enough to be useful, and that the location information provided over the radio is not helpful for train operators in providing advanced warning of employees in the ROW.

Special Order 07-06 requires OCC to make periodic announcements (at least every 20 minutes) on the location of employees working in or near the ROW (4.180.1a). However, the limits of these locations are given between stations, which may be several miles in length, and this information is not necessarily helpful to a train operator if the employees are located in a restricted visibility area. Additionally, there is no communications process in place to ensure that train operators hear and understand OCC's announcements of the location of employees in the ROW. WMATA should thoroughly evaluate its communications policies and procedures related to RWP and revise them to better ensure that train operators are aware of the locations of employees working in the ROW, whether through verbal acknowledgment over the radio by train operators, or some other means.

Additionally, due to the large volume of OCC announcements, particularly when workers are present in the ROW, combined with train operators' duties to make station and other announcements, WMATA should evaluate the announcements duties of its train operators to determine whether they are adequately able to hear and understand critical OCC communications. Based on the results of such an evaluation, WMATA may want to consider various mitigation strategies. WMATA should provide documentation of this evaluation process to TOC.

Finding 4. The definition of "clear" is not explicit in the context of radio communications between OCC and employees working in the ROW.

The review team observed "clear" used to indicate both "clear of the ROW" (i.e., no longer fouling) and "clear of a specific fixed location," but still fouling the ROW. WMATA should clarify the definition of this term and how it is to be used in radio communications, and provide evidence of this clarification to TOC.

Finding 5. The review team observed multiple instances of OCC making announcements regarding the presence of workers in the ROW, when those workers were not observed to be present.

Either the employees working in the ROW did not properly notify OCC that they had completed their work and had cleared the ROW, or else OCC failed to properly announce that the employees had cleared the ROW after they were contacted by some other means (e.g., wayside phones, cell phones, etc.). WMATA should evaluate its procedures for employees clearing the ROW to better ensure that OCC is able to effectively communicate whether workers are present in a given location, and provide evidence of this evaluation to TOC.

Finding 6. Based on conversations with front line employees, there appears to be some degree of antagonism between employees working in the ROW and Train Operators.

It was reported to the TOC review team that employees working in the ROW who contact OCC to report rule speed or other violations by train operators may be subject to "retaliation" by other train operators (e.g., through excessive and unnecessary horn use, beyond that which is required for safe operation). It was also reported that some train operators believe they are unfairly targeted for the reporting of rule violations by employees in the ROW to OCC. WMATA should take immediate corrective actions necessary to remedy this situation, and provide documentation of this process to TOC.

Finding 7. There is no clear nexus between the rule compliance checks performed by line supervisors and Quality Assurance (QA) personnel, and the general rail system safety activities ostensibly under the purview of the Safety Department (SAFE).

The QA Department is tasked with performing audits of rail operating rule compliance, including compliance with RWP rules and procedures. Additionally, line supervisors are required to perform rule compliance checks. However, beyond the discipline of individual employees for specific instances of a rule violation, WMATA does not appear to have a formal process in place for the analysis of the results of such audits and checks in a manner that guides system safety activities. Specifically, SAFE has no role in the compliance check program, nor is SAFE provided with the results of the checks. As such, SAFE remains unaware of trends in overall rule compliance, and therefore is unable to work with the rail departments to develop appropriate corrective actions in response to problems with overall rule compliance. SAFE is ostensibly responsible for system safety activities such as facilitating internal safety audits and developing appropriate corrective action plans to address the findings from such audits. WMATA should develop appropriate formal written policies and procedures that link the rule compliance and enforcement activities of QA and line supervisors with SAFE in such a way that allows SAFE to

effectively monitor and address system safety issues, including trends in overall rule compliance. WMATA should submit documentation of the development of these policies and procedures to TOC.

Finding 8. The review team observed a string of Emergency Trip Stations (ETS) whose "blue lights" (the visual marker of their location) were non-functional.

Although WMATA noted these blue lights for repair on 12/2, these same lights remained non-functional during a subsequent visit to the same area by the TOC review team on 12/10. It is important to ensure that ETS boxes remain highly visible to employees in the ROW who may be required to use them in exigent circumstances. WMATA should take appropriate action to repair these blue lights and submit documentation of this process to TOC.

Finding 9. The review team observed housekeeping issues along the ROW that pose potential slip/trip/fall hazards to employees.

MSRPH rules 4.55, 4.57, and 4.60 did not appear to be generally applied in the ROW. The reviewers noted numerous nuts, bolts, tie plates, pandrol clips, and wood ties littering the ROW. WMATA TSSM employees indicated to the reviewers that maintenance and inspection crews are not responsible for the removal of the debris. Additionally, the reviewers observed several clogged/block drain inlets. The blocked drains resulted in pools of standing water, which may pose a hazard to employees. WMATA employees indicated to the reviewers that Structures Maintenance is responsible for clearing drains. WMATA should work to improve compliance with all housekeeping-related rules and procedures, and provide documentation of this process to TOC.

2.2 Metrorail Rules and Procedures

Metrorail roadway worker protection is dictated by rules, training materials, standard operating procedures, and special orders. Metrorail rules and procedures are not directly regulated for content, as is the case on commuter rail and some light rail systems (dictated by Federal Railroad Administration). Metrorail is, however, regularly reviewed as part of the TOC SSO program. WMATA also is a participant in the American Public Transportation Association (APTA) rail transit standards and guidelines development process. WMATA has, therefore, agreed to ensure its rules at least meet the minimum APTA standards and guidelines, including the forthcoming roadway worker protection and safety standard.

The review team received and assessed a number of WMATA's RWP-related rules and procedures, including the aforementioned Special Order 07-06. Overall, WMATA seems to follow the same model that many transit systems use, wherein 'rules' generally dictate requirements and prohibitions, and procedures (including standard operating procedures or SOPs) describe the methodology for accomplishing tasks. The MSRPH covers a number of RWP-related topics, though much of that is superseded by Special Order 07-06. These topics covered in Special Order 07-06 include duties and responsibilities for employees working in the ROW, for personnel in OCC, and for rail vehicle operators. WMATA is currently in the process

of updating its rules and procedures. Currently, Special Orders such as 07-06 supersede already-existing sections of the MSRPH. WMATA has indicated to TOC that the new MSRPH will be issued as a ring binder whose sections may be replaced with updated rules or procedures, negating the need to issue separate Special Orders. The ring binder approach will require strict configuration management procedures for its maintenance and update. In addition to the MSRPH and Special Order 07-06, TOC also reviewed several other Special Orders, memoranda, and other documentation dictating rules and procedures regarding such topics as:

- Track access in station areas
- The use of cranes, booms, and other equipment that could encroach on the dynamic outline of a train
- New procedures for increased safety of track walkers
- A hard hat safety policy

As stated above, not all of these safety-critical rules or procedures were issued in the form of Special Orders, designed to supersede or replace sections of the existing MSRPH. Rather, some were issued as memoranda to pertinent employees, apparently without going through the formal process for the review and update of rules and procedures.

Findings

Finding 10. WMATA has been using Special Order 07-06 as a de-facto ROW safety manual. It is not adequate for this purpose.

The structure of WMATA's MSRPH dictates that revisions to existing rules and procedures must be made through the "Special Order" or "Permanent Order" process. That is, when a new rule or procedure that supersedes one already in the MSRPH is issued, WMATA issues such an order without waiting for an all-new rulebook to be published. Special Order 07-06 is one such order, superseding the following existing provisions in the MSRPH: 4.165, 4.180, 4.180.1, and 3.87. However, there are additional rules and procedures in the MSRPH pertaining to RWP and general ROW safety that are not superseded by Special Order 07-06 (including, but not limited to, 4.180.2 through 4.199). WMATA has been distributing Special Order 07-06 to employees, particularly during ROW safety training, as though it contained all of the rules and procedures for ROW safety, which it does not. As such, employees are not given appropriate training on all rules and procedures related to RWP and general ROW safety. WMATA should develop a formal written procedure to ensure that all employees who may be required to enter the ROW (not just maintenance employees) are trained and recertified on *all* rules and procedures related to RWP and general ROW safety, and to ensure that all such rules and procedures are distributed to pertinent employees (whether through a separate safety manual or some other means).

Finding 11. The Brentwood Yard tracks are directly adjacent to the mainline tracks. Along most areas of the mainline, employees would be required to receive permission from OCC to be in such proximity to live mainline tracks. This is not the case with Brentwood Yard and other locations that are adjacent to the mainline but technically within yard limits.

As such, the reviewers observed a team of QA inspectors observing operations from the Brentwood Yard track adjacent to the mainline, but had not received permission to be in that location from OCC because no rule or procedure requires such permission. This is a unique situation that is not addressed by any formal rule or procedure, such as a fouling/distance rule, but should be. WMATA should develop formal written procedures that address employee conduct in such locations that are exposed to the main line ROW but technically within yard limits, and provide these procedures to TOC.

Finding 12. There are many locations along Metrorail with unique physical characteristics that may require special rules or procedures, but are not addressed formally in any WMATA rules or procedures.

There are many locations along Metrorail with short-radius horizontal and/or vertical curves in tunnels, on aerial structures, and in ballasted sections where it is difficult for employees working in the ROW to detect the presence of trains in advance of their approach, or, conversely, for train operators to detect the presence of workers in advance of their approach. This may be due to background noise or visibility issues. WMATA should conduct a system-wide survey to identify ROW areas that have visual or other impediments to roadway worker safety. WMATA should identify steps such as speed restrictions, horn sounding, or other appropriate mitigations to address safety issues in these locations.

WMATA also has several segments of ROW that are adjacent to other railroads falling under the jurisdiction of the Federal Railroad Administration (FRA). These include, but are not limited to, the Amtrak Northeast Corridor and the CSX Metropolitan Branch. WMATA should have formal written rules and procedures in place that govern the interaction between WMATA's ROW and the adjacent railroads, as well as proper procedures and phone numbers for contacting the adjacent railroads in the event WMATA employees discover a hazard on adjacent tracks that requires immediate reporting and action.

WMATA should submit evidence of the ROW survey and development of such rules and procedures to TOC.

Finding 13. The Metrorail system does not employ "whistle boards" ("W" signs in the track bed or wayside indicating a required horn blast).

These may be useful in limited visibility areas. WMATA should evaluate the installation of such signs, and provide TOC with documentary evidence of the evaluation process.

Finding 14. WMATA does not have a clear written procedure for lookout/watchperson duties for walking track inspections.

Although Special Order 07-06 4.180(l) does specify that one person should be designated as the lookout, this only applies to stationary locations. The review team observed inconsistent work assignments whereby some teams of walking track inspectors consisted of one inspector and one lookout, while others had both employees sharing both duties. WMATA should formalize its

procedures for lookout/watchperson duties for walking track inspections, and provide such procedures to TOC.

Finding 15. There is no formal procedure for OCC controllers to track information on personnel in the ROW.

Although OCC does employ the "Maintenance Personnel Track Access" form, there is no formal written procedure associated with it that governs when and how such information should be updated, or how such information is relayed to relieving controllers for the subsequent shift. WMATA should develop such a policy that formally dictates how OCC tracks workers in the ROW, and provide that policy to TOC.

2.3 Metrorail RWP Training

WMATA's training program for Metrorail RWP appears to be compartmentalized into the following categorizations:

- First, the "ROW Safety Training" for WMATA employees. This is the class in which TOC members participated. The class is currently taught at the Carmen Turner training facility, and consists of video presentations and discussions of basic, high level topics of ROW safety, such as how to contact OCC, how to test whether third rail power is energized using a 'hot stick,' proper personal protective equipment (PPE), etc. Class participants are taken to a mock-up of a Metrorail tunnel and track area to practice stepping over the third rail. Some participants (though not all who took the class at different times) are given a copy of Special Order 07-06; however, its contents are not discussed specifically. Additionally, although WMATA appears to have developed the ROW Safety Training syllabus, it was not provided to class participants, and not all of the topics contained therein were consistently covered across all class participants who took the class at various times.

- Second, the ROW safety class for WMATA contractors. There was initially some confusion as to whether the TOC review team should take this class instead of the employee ROW class described above. However, it was revealed by WMATA personnel involved in administering the class that, since WMATA contractors do not generally perform basic maintenance, testing, and inspection functions in the ROW, and since contractors are not permitted in the ROW unless third-rail power has been removed, that the class itself was less rigorous than the ROW class for employees.

- Third, ROW safety class for WMATA employees who routinely perform duties in the ROW under live conditions, such as track walkers, ATC technicians, structures personnel, etc. (generally TSSM employees). This training was not audited by the TOC review team, and is administered separately from the employee and contractor classes directly through the TSSM Department. Ostensibly, such a class should be rigorous in its presentation of all of the relevant rules and procedures for working safely in the ROW, both through classroom and field instruction.

In general, the TOC is concerned about the level of compartmentalization of ROW safety training, as well as the overall strength of the curriculum. Several of WMATA's peer rail transit agencies incorporate exposure of training participants to live train operations in both subway and elevated environments.

Findings

(Please note Finding 9 above, which is contained within the section on Rules and Procedures, but which also relates to training.)

Finding 16. WMATA does not appear to have an agency-wide policy governing ROW safety training and recertification for all of its employees.

WMATA's training program for RWP and general ROW safety is not coordinated. WMATA offers only minimal training to most employees and contractors through the Safety department (the adequacy of this training is discussed in the Finding below). TSSM employees, who routinely perform job duties in the ROW, are offered separate and ostensibly more in-depth training that is administered through their own department. As of this report, TOC was unable to audit the TSSM training because it had not been made aware of its existence. In fact, it appeared that some WMATA managers outside of TSSM were unaware of the existence of TSSM's training program. TOC believes that it is appropriate that some employees, particularly those who will be assigned duties as a flagger, watchperson/lookout, or escort, should receive more in-depth training than other employees. However, TOC believes there is too wide a gap in the level of training (and, ultimately, knowledge and skills) between TSSM employees and other WMATA employees and contractors regarding RWP. The review team also believes that, due to the lack of agency-wide coordination of the training programs, there is a risk that different groups of employees may be taught inconsistent or even conflicting information that could potentially decrease the level of protection and safety for employees working in the ROW. WMATA should, therefore, evaluate its disparate training programs for RWP and general ROW safety, and determine how to better coordinate such training agency-wide, whether through the Training Department, or by some other means. WMATA should provide documentation of this process to TOC.

Finding 17. WMATA's employee ROW safety class curriculum fails to teach WMATA's own rules and procedures.

The ROW training for contractors and for WMATA employees who do not routinely perform duties along the ROW fails to thoroughly cover WMATA's own safety rules and procedures. Although the instructors handed out copies of Special Order 07-06, its contents were not reviewed or discussed specifically. Nor were any other specific WMATA rules or procedures formally reviewed or discussed. Additionally, the training class lacked a live field component, which is standard practice in virtually all other heavy-rail transit systems in North America. In contrast, the WMATA ROW class for employees uses only a mock-up of a tunnel, which cannot substitute for real-world conditions. The TOC believes that the importance of a training component which includes experiencing "live conditions" cannot be emphasized enough.

TOC strongly believes that the level of training for all employees and contractors must be strengthened to be more in line with a baseline that covers specific rules and procedures in a structured way. While some employees clearly require a higher level of training for performing such duties as watchperson/lookout, flagging, or escort, (i.e., TSSM employees) these employees should not be the only ones receiving training on the specific rules and procedures associated with protecting employees in the ROW. As WMATA conducts its evaluation of how to better coordinate ROW training programs agency-wide (pursuant to the Finding above), it should also evaluate its curriculum to determine how to provide more in-depth training on all of the rules and procedures associated with safety in the ROW to all employees who may be required to enter the track area, or who operate trains in the vicinity of employees in the ROW (i.e., not just TSSM employees). As part of this evaluation process, WMATA should consult the forthcoming APTA Standard for Roadway Worker Protection, as well as the successful training programs offered by other heavy rail transit systems (e.g., New York City Transit, Chicago Transit Authority, Southeastern Pennsylvania Transportation Authority, etc.). WMATA should provide documentation of this evaluation process to TOC.

Finding 18. The Employee Right-of-Way Safety Training class did not consistently adhere to its own syllabus.

Members of the TOC review team completed this course at various times during 2009, and generally did not receive a copy of the syllabus (November 2007 version). Some topics contained in the syllabus, such as stepping over the third rail properly and specific discussion of Special Order 07-06, were omitted in some of the classes. WMATA should ensure that all syllabus topics are covered consistently in every class.

The TOC will work with WMATA to monitor proposed enhancements to its ROW safety training that address each of the above Findings. TOC personnel will audit future training classes to verify implementation of these enhancements.

3. Appendix

3.1 Summary of Findings

WMATA should propose a plan for corrective action to address each of the Findings below for TOC's review and approval no later than January 31, 2010, and earlier, if practical.

Finding 1. The review team observed several critical RWP rule violations by train operators in the vicinity of employees working in the ROW.

Finding 2. The review team observed several critical RWP implementation issues by employees working in the ROW.

Finding 3. WMATA front-line employees indicated to the review team that OCC generally does not announce the presence of workers often enough to be useful, and that the location information provided over the radio is not helpful for train operators in providing advanced warning of employees in the ROW.

Finding 4. The definition of "clear" is not explicit in the context of radio communications between OCC and employees working in the ROW.

Finding 5. The review team observed multiple instances of OCC making announcements regarding the presence of workers in the ROW, when those workers were not observed to be present.

Finding 6. Based on conversations with front line employees, there appears to be some degree of antagonism between employees working in the ROW and Train Operators.

Finding 7. There is no clear nexus between the rule compliance checks performed by line supervisors and Quality Assurance (QA) personnel, and the general rail system safety activities ostensibly under the purview of the Safety department (SAFE).

Finding 8. The review team observed a string of Emergency Trip Stations (ETS) whose "blue lights" (the visual marker of their location) were non-functional.

Finding 9. The review team observed housekeeping issues along the ROW that pose potential slip/trip/fall hazards to employees.

Finding 10. WMATA has been using Special Order 07-06 as a de-facto ROW safety manual. It is not adequate for this purpose.

Finding 11. The Brentwood Yard tracks are directly adjacent to the mainline tracks. Along other areas of the mainline, employees would be required to receive permission from OCC to be in such proximity to live mainline tracks. This is not the case

with Brentwood Yard and other locations that are adjacent to the mainline, but technically within yard limits.

Finding 12. There are many locations along Metrorail with unique physical characteristics that may require special rules or procedures, but are not addressed formally in any WMATA rules or procedures.

Finding 13. The Metrorail system does not employ "whistle boards" ("W" signs in the track bed or wayside indicating a required horn blast).

Finding 14. WMATA does not have a clear written procedure for lookout/watchperson duties for walking track inspections.

Finding 15. There is no formal procedure for OCC controllers to track information on personnel in the ROW.

Finding 16. WMATA does not appear to have an agency-wide policy governing ROW safety training and recertification for all of its employees.

Finding 17. WMATA's employee ROW safety class curriculum fails to teach WMATA's own rules and proeedures.

Finding 18. The Employee Right-of-Way Safety Training class did not consistently adhere to its own syllabus.

3.2 Documents Reviewed

- Alpha-Numeric Codes for All of Metrorail System
- August 16, 2007 Memorandum from TSSM – Louis C. Testa to TSSM – Track Walkers re: Increased Safety of Track Inspections
- Blackberry Reports (rule compliance checks) – sample
- Chart of Single Tracking & Shut Down Operations November 2009 to January 2010, Office of Track & Structures, System Maintenance
- Daily Track Walker's Work Assignment – Brentwood, Alexandria, New Carrollton regions (samples)
- Division Overview reports – sample
- Employee rule compliance checks – sample
- Memoranda from QA to Line Service and Rail Transportation Managers re: audit results – sample
- November 26, 2007 Memorandum from OCCO – Hercules Ballard to OCCO Staff re: Track Access for Station Area
- Rail Quality Checks – Blackberry Version –sample of raw data
- Right of Way Safety Training for WMATA Employees (syllabus)
- Roadway Worker Protection at WMATA; Overview Prepared April 27, 2009 for TOC Review
- ROW Audits Log – sample

- Supervisor Observations – sample
- WMATA Administrative Procedure 508.17-1 – Track and Structures Personnel Management Job Safety
- WMATA Hard Hat Safety Policy
- WMATA Metrorail Safety Rules and Procedures Handbook (January 2004)
- WMATA OCC Announcement Log
- WMATA OCC Maintenance Personnel Track Access Log (samples)
- WMATA Office of Quality Assurance and Warranty Quality Assessment Reports – sample
- WMATA Permanent Order T-09-05
- WMATA Rail Operations Delivery Corrective Action Request Office QAAW (Quality Assurance and Warranty) - sample
- WMATA RTRA Supervisor Performance Expectations and Standards
- WMATA Special Order 03-06
- WMATA Special Order 07-03
- WMATA Special Order 08-05 rev 1
- WMATA Special Order 07-06

3.3 Persons Interviewed

- Alexa Dupigny-Samuels, Chief Safety Officer, Department of System Safety & Environmental Management
- Charles Biro, Fire/Life Safety Liaison Officer, Metro Transit Police Department
- Charles Dziduch, Director, Blue/Orange Line Service, Office of Rail Transportation
- Clay Bunting, Assistant General Superintendent Track Inspection/Structure Maintenance, Office of Rail Track Structure Systems Maintenance
- Daniel Epps, Assistant General Manager, Office of Rail Transportation
- Darley Scott, Safety Officer
- Darvin L. Kelly, General Superintendent, Office of Rail Track Structure Systems Maintenance
- Dave Kubicek, Acting Deputy General Manager
- Dorsey Adams, Safety Officer, Department of System Safety & Environmental Management
- Eric Petersen, Manager, Technical Training & Document Control
- Front line employees, Office of Rail Track Structure System Maintenance (sample)
- Front line employees, Office of Rail Transportation (sample)
- Gaetano Brooks, Superintendant, Track Inspection, Office of Rail Track Structure Systems Maintenance
- Gerald Francis, Deputy General Manager
- Hercules Ballard, Director, Operations Central Control, Office of Rail Transportation
- James Amey, Safety Officer, Department of System Safety & Environmental Management
- Larry Lee, Superintendent, Structures, Office of Rail Track Structures Systems Maintenance
- Michael Taborn, Chief, Metro Transit Police Department
- Ronald Edwards, Rail Safety Manager, Department of System Safety & Environmental Management
- Scott Kelley, Safety Officer, Department of System Safety & Environmental Management
- Troy Lloyd, Safety Officer, Department of System Safety & Environmental Management

3.4 Facilities/Locations Visited

- Jackson Graham Building
- New Carrollton Yard
- Brentwood Yard
- Shady Grove Yard
- Alexandria Yard
- Branch Avenue Yard
- WMATA ROW – various locations conducting field observations

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

Report on Public Hearing On Proposed Measures to Balance Metro FY 2011 Operating Budget

Finance and Administration Committee

April 8, 2010

Background

- A public comment period was held between March 6 and April 6, 2010
- 5,475 inputs received
  - 1,842 received at public hearings or in writing
  - 3,633 completed on-line questionnaires
- Copied on 1,286 letters to jurisdictional officials

Public Hearing & Written Input

- 1,454 (79%) specifically opposed cuts to service
- 1,093 (59%) asked that local jurisdictions increase their contributions to Metro's operating budget
- 1,842 public hearing comments and written inputs were received:
  - Maryland – 868
  - District of Columbia – 441
  - Virginia – 225
  - Unidentified – 308

On-Line Questionnaire Input

- Metrorail off-peak fare increase – 2,938 (80%)
- Metrorail peak fare increase – 2,783 (76%)
- Metrorail peak-of-the-peak fare increase – 2,612 (71%)
- Local governments should increase contributions to Metro operating budget – 2,597 (71%)
- Metrobus boarding charge increase – 2,551 (70%)

On-Line Questionnaire Input (cont.)

- Increased boarding charge for airport shuttles (B30, 5A) – 2,455 (67%)
- Metrobus express boarding charge increase – 2,361 (64%)
- Use additional capital funds in Metro operating budget – 2,239 (61%)
- Increase MetroAccess fares – 2,008 (55%)
- Raise daily parking rates at Metrorail facilities by $1.15 – 868 (23%)

Jurisdictional Breakdown On-line Survey

- 3,633 on-line questionnaires were completed:
  - Virginia – 1,111
  - District of Columbia – 1,065
  - Maryland – 1,023
  - Undisclosed – 434

Letters to Jurisdictions

- Metro was copied on letters to jurisdictions asking that they contribute more to Metro's operating budget
- The 1,286 letters were addressed to elected officials of the following jurisdictions:
  - Maryland – 579
  - District of Columbia – 400
  - Fairfax County, Va. – 105
  - Arlington, Va. – 102
  - City of Alexandria – 90
  - City of Falls Church – 7
  - Fairfax City – 3

Recommendation

- Recommend that the Board of Directors accept the staff report

STAFF REPORT

Public Hearings
On
Details of the Proposed Adjustments to Metrorail, Metrobus and MetroAccess Passenger Fares, Routes and Hours of Service; and Changes to MetroAccess Policies

April 8, 2010

Washington Metropolitan Area Transit Authority

Executive Summary

GENERAL INFORMATION

- A public comment period was held between March 4 and April 6, 2010 to solicit and obtain public comment on proposals to balance the FY 2011 Washington Metropolitan Area Transit Authority (Metro) operating budget. Six public hearings were conducted between March 22 and April 1, 2010, and the public could provide written testimony or participate on-line via a questionnaire. The proposals being considered included increases for parking rates and fees, as well as adjustments to fares and service levels for Metrobus, Metrorail and MetroAccess.

- Approximately 5,475 inputs were received during the public comment period. These inputs were provided either by people testifying at a public hearing, submitting their comments in writing, or filling out the on-line questionnaire.

- Additionally, Metro was copied on 1,286 letters to leading elected officials in the governments of Metro's partnering jurisdictions. Most of these letters urged the respective jurisdictions to increase their contributions to Metro's operating budget.

- It is important to note, that regardless of the channel by which customers delivered their input on the FY 2011 budget, these comments reflect only the comments of those who responded to the call for testimony. This is an analysis of qualitative data which uses percentages merely to organize information collected. The results should not be represented as an accurate gauge of the opinion of Metro customers in general.

PUBLIC HEARING AND WRITTEN INPUT

- Among the 1,842 inputs received at hearings or provided in writing, 1,454 (79%) specifically opposed cuts to service, and 1,093 (59%) asked that local jurisdictions increase their contributions to Metro's operating budget.

- A number of comments reflected opposition to changes proposed to specific bus routes or the need for improved service on certain routes. The routes mentioned in oral and written testimony (and in the letters to the jurisdictions) were:

    - P17/P18/P19
    - B27, B29
    - C2, C11, C12, C13, C14
    - W13, W14, W19
    - C2, C4, C8
    - D12, D13, D14
    - F2, F13
    - G2, G8

- J4
- L2
- M2, M4, M6
- N2, N3, N4, N6, N8
- R2, R3, R12
- S2, S4, S9
- T12, T14, T16
- V5
- X1, X3
- 9, 10, 29, 31, 34, 36, 54, 69, 80, 96, 97
- 2T. 3T
- 7A, 7F
- 13A, 13B
- 15M
- 18E, F
- 24T

- Additionally, there was specific opposition to proposed closures/service reductions at the following stations: Huntington, Friendship Heights, New York Avenue, Deanwood, Morgan Boulevard, Cheverly, U Street/African American Civil War Memorial/Cardozo and Shaw.

- There was specific interest in instituting the 5-cent surcharge to raise money for capital improvements at the following Metrorail stations: Tenleytown-AU and Union Station.

- The breakdown of inputs received by jurisdiction follows:

  1. Maryland – 868
  2. District of Columbia – 441
  3. Virginia – 225
  4. Unidentified – 308

ON-LINE QUESTIONNAIRE INPUT

- To facilitate public input, a non-scientific questionnaire on the 252-page docket was developed, presenting about 85 choices to respondents. Respondents were asked to select options that they would most likely support. If they didn't support any options, they could make no selection at all. During the public comment period, (3,633) questionnaires were completed.

- Support for specific items on the docket will be presented in the body of the report. Overall support for options available to close the budget gap is summarized below from highest to lowest.

  1. Metrorail off-peak fare increase – 2,938 (80%)
  2. Metrorail peak fare increase – 2,783 (76%)

3. Local governments should increase contributions to Metro operating budget – 2,597 (71%)
4. Metrorail peak-of-the-peak fare increase – 2,612 (71%)
5. Metrobus boarding charge increase – 2,551 (70%)
6. Increased boarding charge for airport shuttles (B30, 5A) – 2,455 (67%)
7. Metrobus express boarding charge increase – 2,361 (64%)
8. Use additional capital funds in Metro operating budget – 2,239 (61%)
9. Increase MetroAccess fares – 2,008 (55%)
10. Raise daily parking rates at Metrorail facilities by $1.15 – 868 (23%)

- Service cuts received far less support. For example, the greatest level of support for Metrorail service changes was 1,303 (35%) for the closure of single entrances at 10 Metrorail stations on weekends. On the other hand, closing Metrorail at midnight on weekends received support in only 255 (7%) of the responses and eliminating 8-car trains received support in only 405 (11%) of responses.

- For Metrobus service changes, the greatest level of support, 1,557 (42%), was for reducing service on the day after Thanksgiving and the week between Christmas and New Years. The lowest level of support, 380 (10%), was for increasing time (headways) between buses.

- Only 691 (19%) of the responses favored restricting the MetroAccess service area to ¾ mile from available fixed route service, and restricting customers who are eligible for full paratransit service from the free ride program on Metrobus and Metrorail.

- The jurisdictional breakdown of the questionnaires is as follows:

1. Virginia – 1111
2. District of Columbia – 1065
3. Maryland – 1023
4. Undisclosed – 434

LETTERS TO ELECTED OFFICIALS

- As stated above, Metro received copies of 1,286 letters urging local jurisdictions to increase contributions to Metro's operating budget. Those who copied Metro on letters to their elected officials were from the following jurisdictions:

1. Maryland – 579
2. District of Columbia – 400
3. Fairfax County, Va. – 105
4. Arlington, Va. – 102
5. City of Alexandria – 90
6. City of Falls Church – 7
7. Fairfax City – 3

General Information

Public Comment Period Process
The following report is a summary of the comments on the FY 2011 Metro operating budget received by Metro staff and Board members during a public comment period and at a series of public hearings held between March 4 and April 6, 2010. This Staff Summary Report reflects oral and written comments received at each public hearing, those mailed, faxed or e-mailed to Metro headquarters, those received on comment cards handed out at public meetings, and the results of an on-line questionnaire.

The purpose of the public hearings is twofold. First, the public hearings satisfy the requirements of Section 62 of the Metro Compact and Federal Transit Administration statutes that require public hearings be held prior to implementing a fare increase or service reduction. Second, the hearings allow Metro to solicit and obtain public comment regarding the proposed fare increase and changes to parking rates and fees.

A series of six public hearings were conducted from March 22 to April 6, 2010. Two public hearings were held in each jurisdiction. A detailed list of hearing times and locations is provided in Appendix A, as is the hearing docket. The public was also informed that if approved, any fare or service modifications were expected to take effect on or about June 27, 2010.

Formal notice of these hearings was made in The Washington Post. Advertisements were also placed in The Washington Hispanic, El Pregonero, India This Week, Express India, and El Tiempo Latino. In addition, notice was posted on Metro's Web site, in Metro buses and trains and sent to area libraries in Arlington, Fairfax, Montgomery and Prince George's counties, the City of Alexandria and the District of Columbia.

Standard procedures were employed at each public hearing. Prior to the hearing, Metro staff was available to respond to questions on the fare proposal and on Metro operations in general. A series of documents were available describing the proposals being considered to balance the FY 2011 Metro operating budget. Metro staff also offered a variety of service information to attendees prior to the start of the hearings during an "open house" period.

At the beginning of each hearing, the presiding Board member read a prepared statement outlining the public hearing process. Then, a senior member of the Metro staff or a Board member provided an explanation of the major proposed changes. Following this, pre-registered speakers were called to the podium to offer testimony. Following the testimony of pre-registered speakers, the presiding Board member called upon speakers in the order that they registered at the hearing. Public officials were given five minutes to speak. All others were allowed three minutes to make their comments. Additionally, all attendees were informed that Metro would accept written testimony until 5 p.m. April 6, 2010.

Sources of Public Input
Metro received 1,842 inputs via testimony at a public hearing or in writing. In reviewing the report, it is important to remember that an input may have addressed several different topics.

Metro also developed a questionnaire, made available on the internet, which customers could use to identify their preferred method for balancing the FY 2011 budget. There were 3,633 questionnaires completed.

Additionally, Metro was copied on 1,286 letters to leading elected officials in the governments of Metro's partnering jurisdictions. Most of these letters urged the respective jurisdictions to increase their contributions to Metro's operating budget.

It is important to note, that regardless of the channel by which customers delivered their input on the FY 2011 budget, these comments reflected only the comments of those who responded to the call for testimony. This is an analysis of qualitative data which uses percentages merely to organize information collected. The results should not be represented as an accurate gauge of the opinion of Metro customers in general.

Each channel of input will be discussed separately in the remainder of this document, unless otherwise noted.

Public Opinion or Concerns Not Directly Related to Actions in the Docket
There were a number of themes mentioned in testimony provided in writing or at the public hearings, as well as in the letters to elected official, which are not directly related to items on the docket. The major themes are summarized below in no specific order:

1. Metro should increase revenue by increased enforcement of rules and levying of fines on customers violating those rules.
2. Metro should install credit card payment equipment at all parking facilities.
3. Metro should re-institute the use of paper transfers for bus customers.
4. Metro should eliminate discounts for seniors, for people with disabilities, and for people who are transferring from one transit mode to another.
5. The MetroAccess program is too large a drain on Metro finances.
6. If Metro raises fares, commuters should see the lowest increase. It was suggested that tourists be among the groups that should see the highest fare increases.
7. The fare increase for the airport shuttles (5A and B30) is too high.
8. Metro should cut costs by instituting an adopt-a-Metrorail station program, whereby stations would be cleaned by volunteer groups.
9. Metro should charge for weekend parking.
10. Metrorail should charge a flat rate, and have the same rate in effect all day.
11. Metro should cut costs by either turning escalators off completely, or reducing the number of hours they run.
12. Metro should have dedicated funding for its operational budget. One idea put forth was to tax private garages and provide the money to Metro, and another was to cut the transit benefit in half and provide the money to Metro.

13. Metro should earn more revenue by selling its printed schedules rather than providing them for free.
14. Metro should end its "Art in Transit" program.
15. Metro should cut maintenance costs on escalators by building covers over all outdoor escalators.
16. Metro should earn more revenue by making employees and retirees pay for their transit use.
17. If the Board decides to limit MetroAccess service to the area ¾ miles from available fixed route service, the current MetroAccess customers should be exempt from that restriction.
18. Metro should open its call center during emergencies like the recent blizzards.
19. A transit surtax should be implemented on private garages to fund Metro.
20. A portion of SmartBenefits should be paid directly to Metro.

Public Comment on the proposals to balance the FY 2011 Metro Operating Budget

Letters to Elected Officials
Metro was copied on 1,286 letters addressed to elected officials in the governments of Metro's partnering jurisdictions. The basic text of these letters was as follows:

I urge you to find room in the budget for a fair share for Metro. Please find room in your FY 2011 budget, through higher revenues or lower expenses, to contribute your share of a $73.7 million increase in local contributions to Metro.

The letters were addressed to elected officials of the following jurisdictions:

1. Maryland – 579
2. District of Columbia – 400
3. Fairfax County, Va. – 105
4. Arlington, Va. – 102
5. Alexandria, Va. – 90
6. City of Falls Church – 7
7. Fairfax City – 3

Official Public Hearing Input Received in Writing or at the Public Hearings

Among the 1,842 inputs received at hearings or provided in writing, 1,454 (79%) specifically opposed cuts to service, and 1,093 (59%) asked that local jurisdictions increase their contributions to Metro's operating budget.

A number of comments reflected opposition to changes proposed to specific bus routes or the need for improved service on certain routes.

The routes mentioned in oral and written testimony (and in the letters to the jurisdictions) were:

- P17/P18/P19
- B27, B29
- C2, C11, C12, C13, C14
- W13, W14, W19
- C2, C4, C8
- D12, D13, D14
- F2, F13
- G2, G8
- J4
- L2
- M2, M4, M6
- N2, N3, N4, N6, N8
- R2, R3, R12
- S2, S4, S9
- T12, T14, T16
- V5
- X1, X3
- 9, 10, 29, 31, 34, 36, 54, 69, 80, 96, 97
- 2T. 3T
- 7A, 7F
- 13A, 13B
- 15M
- 18E, F
- 24T

Additionally, there was specific opposition to proposed closures/service reductions at the following stations: Huntington, Friendship Heights, New York Avenue, Deanwood, Morgan Boulevard, Cheverly, U Street/African American Civil War Memorial/Cardozo and Shaw.

There was specific interest in instituting the 5-cent surcharge to raise money for capital improvements at the following Metrorail stations: Tenleytown-AU and Union Station.

The breakdown of inputs received by jurisdiction follows:

1. Maryland – 868
2. District of Columbia – 441
3. Virginia – 225
4. Unidentified – 308

Official Public Hearing Input Received Via an On-line Questionnaire
To facilitate public input, a non-scientific questionnaire on the 252-page docket was developed that presented about 85 choices to respondents. During the public comment period, 3,633 questionnaires were completed.
Respondents were initially asked if they wanted to accept the Metro General Manager's proposed fare increases and service cuts, accept a fare increase that would avoid service cuts, or select from a much larger range of options. 130 (3.5%) chose to adopt the Metro General Manager's proposed options, 1,363 (37%) chose a fare increase that avoided budget cuts, and 2,064 (56%) wanted to select from a larger range of options.

Throughout the remainder of the questionnaire, participants were asked to select options that they would most likely support. If they didn't support any options, they could make no selection at all.

Overall support for options available to close the budget gap is summarized below from highest to lowest. The summary combines support for the items in the General Manager's proposal, the items in the proposal that would avoid a fare increase, and items selected individually, or "a la carte."

1. Metrorail off-peak fare increase – 2,938 (80%)
2. Metrorail peak fare increase – 2,783 (76%)
3. Local governments should increase contributions to Metro operating budget – 2,597 (71%)
4. Metrorail peak-of-the-peak fare increase – 2,612 (71%)
5. Metrobus boarding charge increase – 2,551 (70%)
6. Increased boarding charge for airport shuttles (B30, 5A) – 2,455 (67%)
7. Metrobus express boarding charge increase – 2,361 (64%)
8. Use additional capital funds in Metro operating budget – 2,239 (61%)
9. Increase MetroAccess fares – 2,008 (55%)
10. Raise daily parking rates at Metrorail facilities by $1.15 – 868 (23%)

Service cuts received far less support. For example, the greatest level of support for Metrorail service changes was 1,303 (35%) for the closure of single entrances at 10 Metrorail stations on weekends. On the other hand, closing Metrorail at midnight on weekends received support in only 255 (7%) of the responses and eliminating 8-car trains received support in 405 (11%) of responses.

For Metrobus service changes, the greatest level of support, 1,557 (42%), was for reducing service on the day after Thanksgiving and the week between Christmas and New Years. The lowest level of support, 380 (10%), was for increasing time between buses.

Only 691 (19%) of the responses favored restricting the MetroAccess service area to ¾ mile from available fixed route service, and restricting customers who are eligible for full paratransit service from the free ride program on Metrobus and Metrorail.

- The jurisdictional breakdown of the questionnaires is as follows:

    1. Virginia – 1111
    2. District of Columbia – 1065
    3. Maryland – 1023
    4. Undisclosed – 434

APPENDIX A:
Comments Received Via On-Line Questionnaire

The list below provides the specific options put forward in the docket with the number of responses supporting each option. The summary combines support for the items whether they were selected as part of the General Manager's proposal, as part of the proposal that would avoid a fare increase, or "a la carte." These are listed in the order in which they appear on the questionnaire.

1.	Raise Metrorail peak period boarding charge to $1.90. Increase peak mileage charges by 15%. Increase the maximum peak fare charges to $5.00 (Adds $42 million in revenue.)	925 (25%)
2.	Raise Metrorail peak period boarding charge to $2. Increase peak mileage charges by 21%. Increase the maximum peak fare charges to $5.45 (Adds $57.9 million in revenue)	1858 (51%)
3.	Implement Metrorail peak-of-the-peak pricing (10 cents added to peak boarding charge 7:30-9 am and 4:30-6 pm and also applicable to fares for Seniors and people with disabilities at those times) (Adds $5 million in revenue)	611 (17%)
4.	Implement Metrorail peak-of-the-peak pricing (20 cents added to peak boarding charge 7:30-9 am and 4:30-6 pm and also applicable to fares for Seniors and people with disabilities at those times) (Adds $9.5 million in revenue)	1733(48%)
5.	Implement Metrorail peak-of-the-peak pricing (50 cents added to peak boarding charge 7:30-9 am and 4:30-6 pm and also applicable to fares for Seniors and people with disabilities at those times) (Adds $20 million in revenue)	268 (7%)
6.	Increase Metrorail off-peak boarding charge to $1.55 and increase off peak mileage charges up to 15%. The maximum off-peak fare would be $2.70. (Adds $14.8 million in revenue)	845 (23%)
7.	Increase Metrorail off-peak boarding charge to $1.65 and increase off peak mileage charges up to 22%. The maximum off-peak fare would be $2.85. (Adds $14.8 million in revenue)	2093 (57%)
8.	Proportional increase to Metrorail weekly passes of 15% (Adds $600,000 in revenue)	711 (19%)
9.	Proportional increase to Metrorail weekly passes of up to 25% (Adds $2.4 million in revenue)	2143 (59%)
10.	Reduce bus-to-rail transfer from 3 hours to 2 hours (Adds $1.8 million)	2936 (80%)
11.	Increase the bus-to-rail transfer discount to 75 cents (Decreases revenue by $4.5 million)	212 (6%)
12.	Decrease the bus-to-rail transfer discount to 25 cents (Adds $2.9 million in revenue)	728 (20%)

13. Institute free rail-to-bus transfer on weekends (Decreases revenue $950,000)	216 (6%)
14. Institute free bus-to-rail transfer on weekends (Decreases revenue $30 million)	108 (3%)
15. Institute a Metrorail directional peak-of-the-peak surcharge in the congested core during periods of high demand (Undetermined financial impact)	319 (9%)
16. Charge peak-period Metrorail fares on weekend late night service from 12:01 a.m. to closing (Adds $800,000 in revenue)	958 (26%)
17. Charge a flat fare on Metrorail weekend late night service from 12:01 a.m. to closing of up to $4. (Adds $400,000 in revenue)	461 (13%)
18. Institute a 5 cent surcharge for entry and exit at up to two Metrorail stations in each jurisdiction (VA, DC, MD) for the purpose of funding specific capital improvements at the stations at which the surcharge is levied. (Adds $1.6 million in revenue)	747 (20%)
19. Eliminate select rail passes, including the Metrorail Weekly Short Trip Pass, One-Week Pass, Transit Line Card on MARC and VRE, and the Transit Link Card on MTA. (Adds $750,000 in revenue)	536 (14%)
20. Institute a loyalty reward that allows customers who purchase 11 Metrorail weekly passes to get the 12th weekly pass free (Decreases revenue)	287 (8%)
21. On Saturdays, Metrorail trains would run at 15-20 minutes intervals before 9:30 p.m. and at least every 30 minutes after 9:30 p.m. On Sundays, trains would run at least every 20 minutes before 9:30 p.m. and at least every 30 minutes after 9:30 p.m. (Save $3.5 million)	530 (14%)
22. Weekday Metrorail trains would run at 15 minute intervals at between 9:30 a.m. and 3:30 p.m. and between 6:30-9:30 p.m. After 9:30 p.m. they would run at least every 30 minutes (Save $4.43 million)	418 (11%)
23. Weekdays from 6-6:30 am, Metrorail trains every six to eight minutes (Save $460,000)	916 (25%)
24. Change peak period Metrorail Red Line service such that there will be trains every three minutes from Grosvenor to Silver Spring and every six minutes from Silver Spring to Glenmont and from Grosvenor to Shady Grove. (Save $1.3 million)	927 (25%)
25. Eliminate 8-car Metrorail trains (Save $2.69 million)	405 (11%)
26. Reduce Metrorail seasonal service to bring it in line with actual service needs on the day after Thanksgiving and the week between Christmas	

and New Years Day. Additionally, run a holiday schedule on Martin Luther King Day, Presidents Day Columbus Day and Veterans Day (Save $140,000)	1192 (33%)
27. Reduce Metrorail Yellow Line Service late weeknight and on weekends to a rail shuttle between Huntington and King Street (Save $1.32 million)	655 (18%)
28. Eliminate Metrorail Yellow Line extension to Fort Totten (Save $1.84 million)	833 (23%)
29. At 10 Metrorail stations with multiple entrances, close a single entrance on weekends, except during major events. The 10 station entrances proposed for closure are: Anacostia-North, Stadium Armory-North, Navy Yard-West, New York Avenue-South, Friendship Heights-South, Shaw Howard U.-South, L'Enfant Plaza-West, King Street-North, U Street-East, Silver Spring-North. (Save $670,000)	1303 (36%)
30. At five Metrorail stations with multiple entrances, close a single entrance at 8 pm. The five station entrances proposed for closure at 8 p.m. are: King St.-North, Stadium Armory-North, McPherson-West, Shaw Howard U.-South, Friendship Heights-South. (Save $200,000)	1034 (28%)
31. Close three Metrorail stations on weekends. Stations are: Morgan Blvd, Cheverly, Deanwood. (Save $100,000)	617 (17%)
32. Later Metrorail weekend opening (1 hour) (Save $620,000)	624 (17%)
33. Later Metrorail weekday opening (30 minutes) (Save $790,000)	474 (13%)
34. Metrorail to close at 2 a.m. Friday and Saturday (Save $2.24 million)	625 (17%)
35. Metrorail to close at 1 a.m. Friday and Saturday (Save $4.3 million)	335 (9%)
36. Metrorail to close at midnight Friday and Saturday (Save $6.29 million)	255 (7%)
37. Raise Metro daily parking rates by $1.15 (Adds $13 million in revenue)	868 (24%)
38. Raise Metro reserved parking fees $65 per month (Adds $600,000)	1237 (34%)
39. Change the time at which Metro reserved parking reverts to general parking from 10 am to 9 am (Decreases revenue $500,000)	183 (5%)
40. Expand the hours during which Metro charges for parking to 24 hours a day Monday through Friday. (Adds $500,000)	781 (21%)
41. Increase the rate for Metro parking meters from the current rate of 25 cents for 15 minutes to 30 cents for 15 minutes. (May decrease revenue)	137 (4%)
42. Adjust the rates for parking meters in order to promote full utilization	

at most Metrorail stations. (Increases revenue)	988 (27%)
43. Raise Metrobus regular service boarding charge to $1.50. Cash fares will rise from $1.35 to $1.60. (Adds $11 million)	814 (22%)
44. Raise Metrobus regular service boarding charge to $1.60. Cash fares will rise from $1.35 to $1.70. (Adds $13 million)	1737 (48%)
45. Institute a Metrobus peak period boarding charge of up to 50 cents on high-ridership lines. (Financial impact undetermined)	125 (3%)
46. Institute a Metrobus peak-of-the peak period boarding charge of 50 cents. (Adds $1.8 million in revenue)	357 (10%)
47. Institute a Metrobus peak period, directional boarding charge. (Financial impact undetermined)	147 (4%)
48. Raise Metrobus express service boarding charge $3.65. Cash fares will rise from $3.10 to $3.75. (Adds $1.5 million)	511 (14%)
49. Raise Metrobus express service boarding charge to $4. Cash fares will rise from $3.10 to $4.10. (Adds $2 million)	1850 (51%)
50. Raise boarding charge on Metrobus shuttles (5A, B30) to Dulles International Airport and BWI-Thurgood Marshall Airport to $6. (Adds $1.2 million in revenue)	2455 (67%)
51. Raise Metrobus express service boarding charge for Seniors and people with disabilities to $2. (Adds $10,000 in revenue)	1855 (51%)
52. Raise the Metrobus weekly flash pass price to $15 (Adds $6 million)	2520 (69%)
53. Reduce bus-to-bus transfer from 3 hours to 2 hours (Adds $4 million in revenue)	2826 (78%)
54. Reduce rail-to-bus transfer from 3 hours to 2 hours (Adds $900,000 in revenue)	2638 (72%)
55. Increase the rail-to-bus transfer discount to 75 cents (Reduces revenue $2.9 million)	170 (4%)
56. Decrease the rail-to-bus transfer discount to 25 cents. (Adds $2.9 million in revenue)	678 (18%)
57. Increase the cash price for Metrobus fares by 25 cents (Adds $3.1 million in revenue)	883 (24%)
58. Eliminate the SmarTrip discount for bus fares. (Adds $3.6 million in revenue)	446 (12%)
59. Increase time between buses or eliminate trips for select lines	

and routes(Save $4.47 million)	380 (10%)
60. Eliminate select Metrobus routes or route segments (Save $5.27 million)	428 (12%)
61. Eliminate select Metrobus lines (Save $9.12 million)	407 (11%)
62. Restructure Metrobus service on select routes and lines (Save $2.63 million)	756 (21%)
63. Eliminate Metrobus overlap with local bus service (Save $2.16 million)	923 (25%)
64. Reduce Metrobus service on four holidays: Martin Luther King Day, Presidents Day, Columbus Day, and Veterans Day (Save $2 million)	1090 (30%)
65. Reduce seasonal Metrobus service to bring it in line with actual service needs for the day after Thanksgiving and the week between Christmas and New Years Day. (Save $670,000)	1557 (42%)
66. Reduce weekend late night Metrobus service (Save $930,000)	476 (13%)
67. Reduce bus stops on select Metrobus lines (Save $1.04 million)	781 (21%)
68. Double the MetroAccess fare to twice the proposed bus fare to as much as $3.20. (Adds $1 to 1.9 million in revenue)	1644 (45%)
69. Increase MetroAccess fare to twice the fixed route fare for the fastest trip, as determined by the Metro Trip Planner. The Metro Trip Planner may determine that the fastest trip is by bus, rail, or a combinaton of the two. (Adds $4.6 million)	364 (10%)
70. Restrict MetroAccess service area to 3/4 mile from available fixed route service. Restrict customers who are eligible for full paratransit service from the free ride program on Metrobus and Metrorail. (Saves $5.4 million)	691 (19%)
71. Increase the supplemental MetroAccess fare for one-way trips that begin or end between 3/4 and 3 miles beyond fixed route service (increase from $1 to $5) (Adds $280,000)	420 (11%)
72. Increase the supplemental MetroAccess fare for one-way trips that begin or end between 3.1 and 6 miles beyond fixed route service (increase from $2 to $10) (Adds $40,000)	277 (7%)
73. Increase the supplemental MetroAccess fare for one-way trips that begin or end between 6.1 and 9 miles beyond fixed route service (increase from $3 to $15) (Adds $10,000)	279 (7%)
74. Increase the supplemental MetroAccess fare for one-way trips that begin or end 9 miles or more beyond fixed route service (increase from $4 to $20) (Financial impact undetermined)	278 (7%)

75. Increase bike locker annual fee to $200 (Adds $200,000 in revenue)	2246 (62%)
76. Charge up to 50 cents more for the use of paper farecards on Metrorail. Twenty-five cents for trips costing up to $2.50 and 50 cents for trips more than $2.50. (Adds $9 million)	1002 (27%)
77. Decrease the age that children can ride free on Metro from under age five to under age three. (Based on information currently available, adds an estimated $3,000 in Metrobus revenue and an estimated $6,000 in Metrorail revenue.)	408 (11%)
78. Allow the general manager to institute a special fare of no more than 5 times the normal rate for fares and passes on bus and rail, and charge up to $25 for parking for special events such as presidential inaugurations, other historic or political events, major sporting or entertainment events, and to implement special emergency fares. (Financial Impact To Be Determined)	393 (11%)
79. Metro should ask local governments to increase contributions to prevent a fare increase and service cuts.	555 (15%)
80. Metro should ask local governments to increase contributions in coordination with a fare increase and service cuts.	271 (7%)
81. Metro should ask local governments to increase contributions in coordination with a fare increase to avoid service cuts.	1774 (49%)
82. Additional capital funds, $30 million or less, should be used for preventive maintenance.	505 (14%)
83. Additional capital funds, $30 million or less, should be used for preventive maintenance, providing those funds are paid back in a later budget cycle.	672 (18%)
84. Additional capital funds, more than $30 million, should be used for preventive maintenance.	519 (14%)
85. Additional capital funds, more than $30 million, should be used for preventive maintenance, providing those funds are paid back in a later budget cycle.	543 (15%)

State Safety Oversight Program

2009
Rail Safety Statistics Report

An analysis of safety data reported by state safety oversight agencies and rail transit agencies for the years 2003 – 2008.

Prepared by the Office of Safety and Security

Federal Transit Administration

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Executive Summary

This *Rail Safety Statistics Report* focuses attention on safety issues in the public rail transportation industry and supports FTA's (Federal Transit Administration) mission through the identification of safety priorities and attendant strategies to address industry concerns.

FTA's safety program for rail transit continues to be increasingly guided by the evaluation of industry data, trends in safety indicators, and the results of on-site assessments, audits and reviews. FTA attempts to direct both its safety oversight and technical assistance efforts toward those areas involving the highest risks for rail transit agencies. FTA also uses the evaluation of industry data to determine the effectiveness of its own programs and to identify where improvements can be made.

This *Rail Safety Statistics Report* uses information collected by FTA from the National Transit Database (NTD) and the SSO Program between calendar years 2003 and 2008. As applicable, this report also uses data supplied by the National Highway Traffic Safety Administration (NHTSA), the Federal Railroad Administration (FRA), the National Transportation Safety Board (NTSB), and the National Safety Council (NSC).

Key data reported: 2003 - 2008

- **14** passenger fatalities
    - Six fatalities were medically-related
    - Five fatalities were due to imprudent customer actions
    - Three fatalities were due to slips and falls

- **19** worker fatalities
    - 10 fatalities were Right-of-Way workers struck by trains
    - One fatality was an Operator killed in a train-to-train collision
    - Three fatalities were medically-related
    - Five fatalities were accidents at work sites

- **72** patron fatalities

- 10 fatalities were the result of collisions between individuals on platforms and trains (leaning too far forward or train surfing)
- 62 fatalities were the result of individual accidents in rail transit stations and mezzanines, on stairs and escalators, and in parking garages and other transit-controlled property

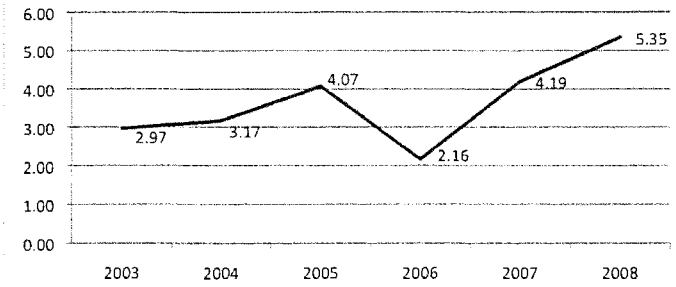
- **382** public fatalities
  - 180 were suicides or suspected suicides
  - 116 were trespasser-related
  - 39 were pedestrians involved in collisions
  - 34 were occupants of automobiles involved in collisions with trains
  - 13 were other single person accidents

- **1665** injuries to passengers
  - 385 from non-rail grade crossing collisions
  - 525 from rail grade crossing (RGX) collisions
  - 337 from derailments
  - 272 from fires
  - 146 other injuries

- **0** passengers onboard trains were killed in derailments or collisions

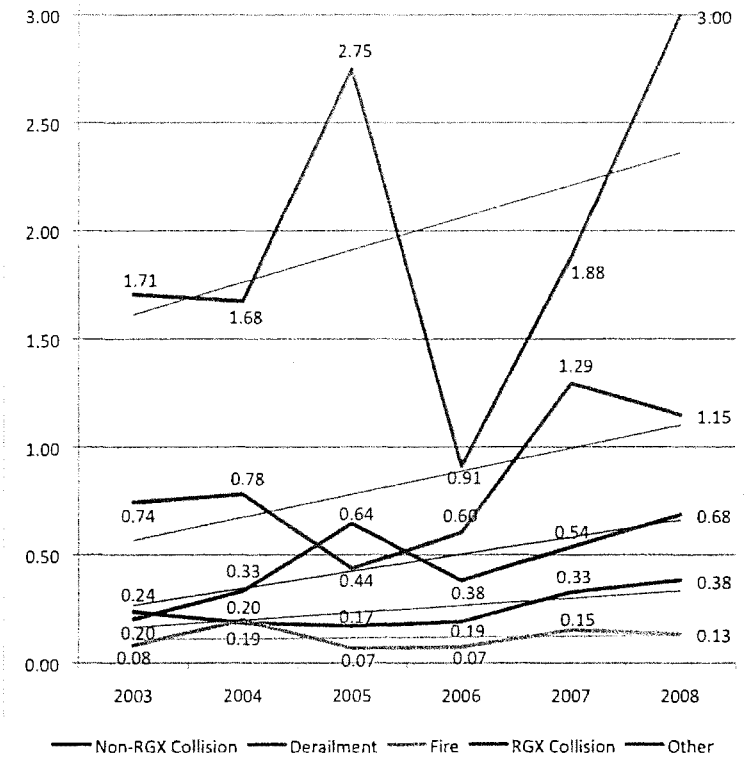
Key Trends

Rail Transit Accident Rates (per 100,000,000 passenger miles)



- The rail transit accident rate has increased by 80% over the last six years.
- In 2008, the industry experienced 5.35 accidents per 100 million passenger miles.

Rail Transit Accident Rates by Accident Type (per 100,000,000 passenger miles)



- Other accidents include suicide and trespassing-related fatalities; homicides; non-fire-related evacuations; and other fatality or multiple-injury accidents that are not considered Collisions, Derailments, or Fires.
- The accident rates for each of the five accident categories have increased over the past six years (depicted by the rising trend lines in the graph above).
- The non-RGX Collision rate has increased by 238% over the last six years.
- The "Other" accident rate has increased by 76% over the six-year period.
- The accident rate for Fires has increased by 67% from its 2003 level.
- The Derailment accident rate increased by 62% through the six-year period.
- The RGX Collision accident rate increased by 55% from 2003.

Background

The mission of the Federal Transit Administration's (FTA) Office of Safety and Security is to provide leadership and vision in the development and management of programs and initiatives to continuously improve the safety of passengers, employees, emergency responders, and all others who come into contact with the public transportation system. This *Rail Safety Statistics Report* focuses attention on safety issues in the public rail transportation industry and supports FTA's mission through the identification of safety priorities and attendant strategies to address industry concerns.

FTA's safety program for rail transit continues to be increasingly guided by the evaluation of industry data, trends in safety indicators, and the results of on-site assessments, audits and reviews. FTA attempts to direct both its safety oversight and technical assistance efforts toward those areas involving the highest risks for rail transit agencies. FTA also uses the evaluation of industry data to determine the effectiveness of its own programs and to identify where improvements can be made.

The 2009 *Rail Safety Statistics Report* has been prepared by FTA to assess the safety of the rail transit industry and the performance of FTA's State Safety Oversight (SSO) program in providing an added degree of confidence that the minimum safety program requirements specified in FTA's SSO rule, 49 CFR Part 659, are being implemented.

This *Rail Safety Statistics Report* uses information collected by FTA from the National Transit Database (NTD) and the SSO Program between calendar years 2003 and 2008. As applicable, this *Rail Safety Statistics Report* also uses data supplied by the National Highway Traffic Safety Administration (NHTSA), the Federal Railroad Administration (FRA), the National Transportation Safety Board (NTSB), and the National Safety Council (NSC).

Scope of Report

The *Rail Safety Statistics Report* documents FTA's analysis of the safety performance of the rail transit industry since 2003, providing a six-year trend analysis and comparison data for 2003 through 2008 and provides information and analysis of industry compliance with 49 CFR Part 659 Rail Fixed Guideway Systems (RFGS), State Safety Oversight Rule.

The scope of data presented in this *Rail Safety Statistics Report* is for rail fixed guideway systems as defined in 49 CFR Part 659.5. Therefore, FTA does not present safety data for commuter rail properties as defined by the Federal Railroad Administration (FRA). However, in 2007, FTA and FRA collaborated to develop the *Commuter Rail Safety Study*, which presents an analysis of commuter rail safety data obtained through coordinated efforts with FRA.

Rail Fixed Guideway System (49 CFR Part 659.5)

"Any light, heavy, or rapid rail system, monorail, inclined plane, funicular, trolley, or automated guideway that:

(1) is not regulated by the Federal Railroad Administration; and

(2) is included in FTA's calculation of fixed guideway route miles or receives funding under FTA's formula program for urbanized areas (49 U.S.C. 5336); or

(3) Has submitted documentation to FTA indicating its intent to be included in FTA's calculation of fixed guideway route miles to receive funding under FTA's formula program for urbanized areas (49 U.S.C. 5336)"

Data Sources

To develop its *Rail Safety Statistics Report*, FTA reviewed available industry safety data to identify the most common causes of rail transit accidents and assess their severity as well as the rail transit agency's level of influence to prevent the accident. Critical to the analysis was the need to compile the most consistent and comprehensive data set. This year's analysis included an evaluation of data collected through both the SSO Program and the NTD Program for the period 2003 to 2008.

SSO Accident Reporting Thresholds (49 CFR Part 659.33)

(1) A fatality at the scene; or where an individual is confirmed dead within thirty (30) days of a rail transit-related incident.

(2) Injuries requiring immediate medical attention away from the scene for two or more individuals;

(3) 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;

(4) An evacuation due to life safety reasons.

(5) A collision at a grade crossing;

(6) A main-line derailment;

(7) A collision with an individual on a rail right of way; or

(8) A collision between a rail transit vehicle and a second rail transit vehicle, or a rail transit non-revenue vehicle.

Subtle changes in NTD accident reporting thresholds and the revision of 49 CFR Part 659 accident thresholds in 2006 impacted 2007 reporting year data. 49 CFR Part 659 revisions better aligned the thresholds for the two programs. However, the subtle change in NTD's threshold for rail grade crossing accidents (establishment of a minimum $7,500 to be met in order to be reportable) necessitated the use of SSO Program data for the 2006, 2007, and 2008 reporting years. By using NTD data for reporting years 2003-2005 and the SSO Program data for reporting years 2006, 2007, and 2008, FTA achieved the most consistent data set possible.

FTA evaluated each accident reported through both programs to identify any anomalies, discrepancies, or variances that necessitated follow-up with state oversight agencies for validation. FTA believes that the current 2003-2008 data set in this report is its most accurate record of rail transit safety data to date. It should be noted that data from the NTD prior to 2003 did not include sufficient causal information and therefore was removed from current analyses.

In addition to the alignment of reporting thresholds, FTA also established consistent probable cause categories. When a probable cause was not provided, FTA examined the description of each accident, followed up with the state oversight agency and assigned the appropriate causal category. FTA understands that accidents may often have contributing factors and, on occasion, multiple causes; however, for purposes of analysis, FTA attributed the most likely probable cause based on the information provided by the rail transit agency and state oversight agency.

In addition to the available safety data, FTA reviewed ridership data for rail transit agencies between January 1, 2003, and December 31, 2008.

Report Methodology

The SSO Rail Accident Database includes information for all accidents meeting the thresholds established in 49 CFR 659.33. However, an event that meets one of these thresholds may not be particularly severe. For example, a reportable rail grade crossing (RGX) collision or an evacuation may have resulted in zero injuries and minimal property damage. While collection of this information is critical from a safety data standpoint, such events have a lower severity level due to minimal resulting impacts (fatalities, injuries, and property damage).

For both reporting and analysis, FTA groups incidents meeting 49 CFR Part 659 thresholds into five (5) categories:

- Collisions: Includes train-to-train, train-to-vehicle, train-to-object, and train-to-person collisions. Does not include rail grade crossing collisions, or collisions that occur as part of suicides or trespasser-related accidents.
- Rail Grade Crossing (RGX) Collisions: Includes collisions with transit vehicle, person, automobile, or other vehicle at a rail grade crossing.
- Derailments: Includes all mainline derailments.

- Fires: Includes fires that cause at least $25,000 in property damage or cause an evacuation of a vehicle or a station for life safety reasons.
- Other: Includes suicide and trespassing-related fatalities; homicides; non-fire-related evacuations, and other fatality or multiple-injury accidents that are not considered Collisions, Derailments, or Fires.

In addition, FTA analysis breaks down injuries and fatalities by four person types:

- Passenger: Individual on-board a rail transit vehicle or boarding or alighting a rail transit vehicle.
- Patron: Individual waiting for or leaving rail transit at stations, in mezzanines, on stairs, escalators, or elevators, in parking lots and other transit-controlled property.
- Worker: Rail transit agency employee or contractor.
- Public: All others who come into contact with the rail transit system, including pedestrians, automobile drivers, trespassers, and suicides.

Using these distinctions, FTA is able to determine the specific injury and fatality risk to each person type for any accident type. Additionally, FTA collects probable cause information from the SSO agencies for each accident. Causes are derived from the following sources:

- Equipment failure: Includes the unanticipated failure of a piece of equipment, such as a defective cable, signal, or relay.
- Transit workforce behavior: Includes the failure of rail transit personnel to comply with rules, procedures, and policies (i.e., signals, speed restrictions, door opening/closing) or by human factors issues affecting rail transit personnel (inattentiveness, fatigue, etc.). Also includes failures resulting from the poor state of repair of an element of the transit system, such a poor track conditions, poorly trued wheels, poorly maintained switch points, or deteriorating structures for which speed or other restrictions have not been placed or enforced.
- Customer behavior: Includes poor decision-making on the part of a passenger or patron in the station or while boarding/alighting a train (i.e., carelessness, inattention, drunkenness, train surfing, climbing into the right-of-way to retrieve a lost item, leaning into the path of an on-coming train, etc.).

- Public behavior: Includes a variety of unsafe behaviors from those with whom the rail transit interacts, such as trespassers, suicidal individuals, the drivers or automobiles, and pedestrians.

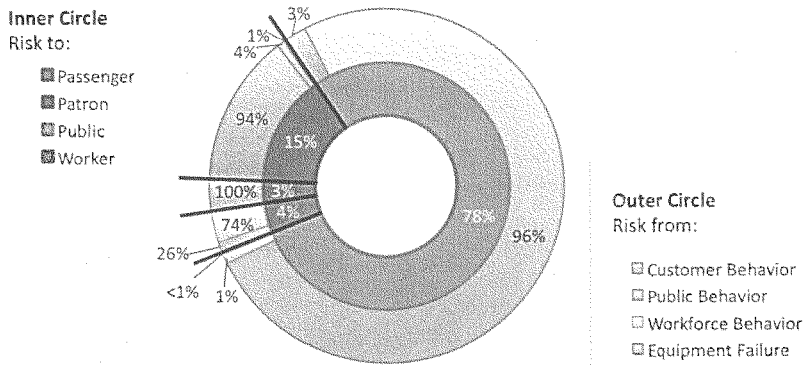
The table below illustrates how the probable cause information collected from the SSO agencies in the Annual Reporting Template is aggregated into the source causes used by FTA in its analysis.

Probable Cause from SSO Annual Reporting Templates	Description	FTA Source Category
Equipment Failure	System component failure	Equipment Failure
Poor Maintenance	System not properly maintained	Transit workforce behavior
Employee Error	Operating Rule Violation/Human Factor	Transit workforce behavior
Slips and Falls	Slips and falls in station or vehicle	Customer behavior
Imprudent Customer Actions	Inappropriate patron or passenger behavior on vehicles or in stations	Customer behavior
Medically Related	Illness, heart-attacks	Customer behavior
Action of Motorist	Auto driver at fault	Public behavior
Pedestrian Actions	Pedestrian at fault	Public behavior
Trespasser	Trespasser action	Public behavior
Suicide	Suicides and suicide attempts	Public behavior
Other	Acts of Nature/ Unknown	Public behavior

In all of its analysis, FTA utilizes passenger miles to standardize impact data and provide injury and fatality rates. The resulting rates present the number of occurrences per 100 million passenger miles. For example, in 2007 the SSO community reported a fatality rate (excluding suicides and trespassing events) of 0.25. In other words, one individual was killed for every 400 million passenger miles of service provided in 2007.

For the first time, FTA's summary also includes risk analyses that utilize "risk doughnuts" to depict who is affected by safety risk (risk to) and who caused the risk (risk from). In each risk doughnut, the inner ring displays the risk to by dividing the ring into four segments, one for each person type established by FTA (passenger, patron, worker, and public). The size of each segment is proportional to the risk for that person type. The outer ring depicts the risk from each causal group for each of the segments defined in

the inner ring (equipment failure, transit workforce behavior, customer behavior, and public behavior). The result is a chart that shows what percentage of a specific event was incurred by each person type and the proportion of causes for that event by person type. See the sample "risk doughnut" below. As an example, to read the "risk doughnut" to determine the risks of this sample event to workers, first locate the purple segment on the inner ring. This segment shows that workers comprise 4 percent of the people affected by the sample event. To determine the causal groups responsible for the worker events, look to the outer ring corresponding to the purple segment of the inner ring. Note that 74 percent of the sample worker events were caused by transit workforce behavior, while the remaining 26 percent were caused by the actions of customers. This process can be repeated to determine the risk to the other people types from FTA's source cause categories.



Rail Transit Safety Performance

The following section presents safety data for accidents reported between 2003 and 2008. The data presented include actual accident counts and impact totals, as well as these numbers standardized by 100,000,000 passenger miles.

Rail transit accidents: 2003 – 2008

Table 1 - Accident Types and Occurrences: 2003 - 2008

Accident Type	2003	2004	2005	2006	2007	2008
Collision (non-RGX)	30	53	102	62	95	127
Derailment	35	29	27	31	58	71
Fire	12	31	11	12	27	25
Other	110	121	69	98	229	213
RGX Collision	253	262	435	148	333	556
Total	**440**	**496**	**644**	**351**	**742**	**992**

- Total accidents per year have increased significantly from 2003:
  - On average, the number of collisions (non RGX) has more than tripled since 2003.
  - On average, the number of RGX collisions has doubled since 2003.
  - The number of mainline derailments also increased.
- The largest increases occurred in RGX collisions and in other accidents, which include suicides and trespasser-related events.
- Increases in collisions, RGX collisions, derailments, and other accidents far outpaced the increase in passenger miles of service between 2003 and 2008:
  - During this period, the rail transit industry experienced growth not seen since the beginning of the 1900s.
  - Rail transit passenger miles increased 25 percent from 14,825,976,904 in 2003 to 18,550,977,528 in 2008. At some agencies, unlinked passenger trips increased by 40 percent.
  - Nevertheless, even with this period of sustained growth, the increase in 49 CFR Part 659 incidents reported in the rail transit industry exceeds normalized trending by an order of magnitude.

Rail transit accident causes: 2003 – 2008

Probable cause information is provided for each accident included in FTA's SSO Rail Accident Database.

Tables 2 through 5 present the probable causes of the 3,665 accidents reported to FTA's SSO Rail Accident Database between 2003 and 2008.

Table 2 - Accidents Caused by Equipment Failure: 2003 - 2008

Accident Type	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	0	2	8	1	1	1	13
RGX Collision	2	0	0	0	1	1	4
Derailment	11	3	4	6	36	20	80
Fire	9	23	5	6	22	19	84
Other	1	7	1	8	22	20	59
Total	**23**	**35**	**18**	**21**	**82**	**61**	**240**

- Over the last six years, equipment failure has led to an increasing number of accidents. This is observed in increasing derailments, fires, and other incidents caused by equipment failures.

Table 3 - Accidents Caused by Customer Behavior: 2003 - 2008

Accident Type	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	9	2	7	0	2	7	27
RGX Collision	0	0	0	0	0	3	3
Other	49	48	35	23	74	58	287
Total	**58**	**50**	**42**	**23**	**76**	**68**	**317**

- Customer behavior caused the highest levels of other accidents in 2007 and 2008, 74 and 58 accidents, respectively.

Table 4 - Accidents Caused by Public Behavior: 2003 - 2008

Accident Type	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	12	24	42	40	26	66	210
RGX Collision	234	244	426	140	319	513	1876
Derailment	0	0	0	0	1	0	1
Other	57	60	32	51	115	123	438
Total	**303**	**328**	**500**	**231**	**461**	**702**	**2525**

- In 2008 public behavior caused its highest level of non-RGX collisions, RGX collisions, and other accidents over the six-year analysis period.

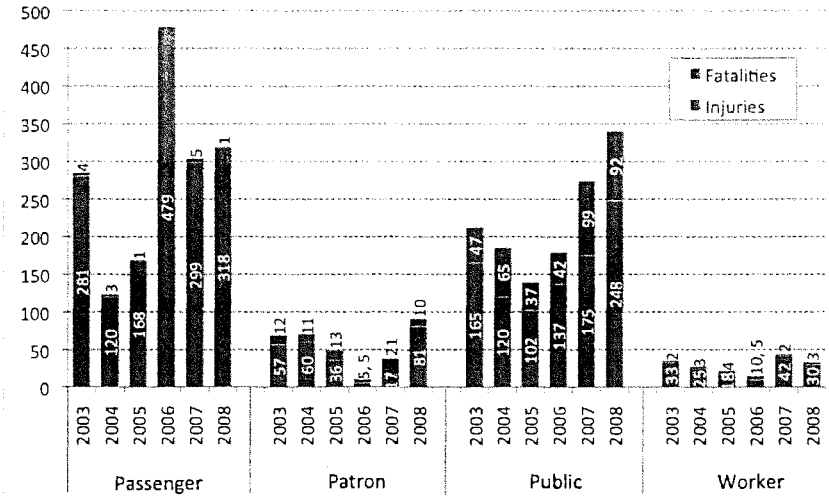
Table 5 – Accidents Caused by Workforce Behavior: 2003 – 2008

Accident Type	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	9	24	45	21	66	53	218
RGX Collision	17	18	9	8	13	39	104
Derailment	24	26	23	25	21	51	170
Fire	3	8	6	6	5	6	34
Other	3	7	1	16	18	12	57
Total	**56**	**83**	**84**	**76**	**123**	**161**	**583**

- 2008 data represents the highest levels of derailments and RGX collisions cause by workforce behavior.

Fatalities and injuries: 2003 – 2008

Figure 1 – Fatalities and injuries by person type: 2003 - 2008



- As shown in Figure 1, 783 individuals were injured or killed in reportable accidents in 2008.
  - This included 106 fatalities – one passenger, 10 patrons, 92 members of the public, and 3 workers.
  - Of the 92 public deaths, 40 were suicides and 29 were trespassing-related.
- Between 2003 and 2008, passengers experienced low occurrences of fatality.
- Also, during this period, 19 rail transit workers were killed.

Fatalities by accident type: 2003 – 2008

Table 6 - Fatalities by Accident Type: 2003 - 2008

Accident Type	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	4	3	13	5	8	6	39
Derailment	0	0	0	0	0	0	0
Fire	0	0	0	0	0	0	0
Other	52	69	38	40	109	90	398
RGX Collision	9	10	4	7	10	10	50
Total	**65**	**82**	**55**	**52**	**127**	**106**	**487**

- Over the six years between 2003 and 2008, 487 people were killed in accidents taking place on rail transit-controlled property.
    - As indicated in Table 7 below, 296 (or 61%) of these fatalities are the result of suicides and trespasser-related accidents.
- Between 2003 and 2008, 89 total fatalities were attributable to collisions (39 to collisions (non-RGX) and 50 to RGX collisions).
- Between 2003 and 2008, there were no fatalities attributable to derailments or fires.

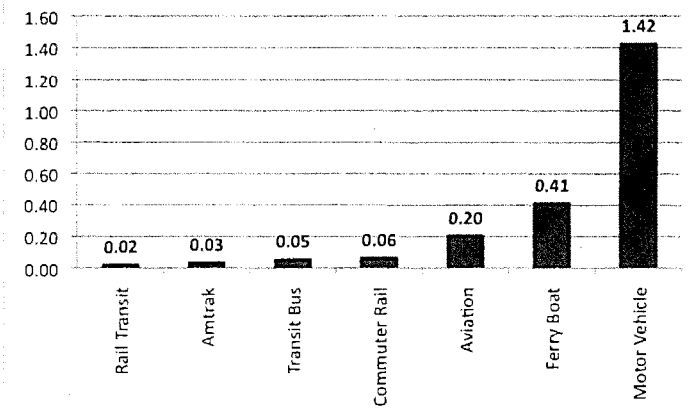
Table 7 – Suicide and Trespassing Fatalities: 2003 – 2008

Fatality Type	2003	2004	2005	2006	2007	2008	Total
Suicides	17	26	13	24	60	40	180
Trespassing	21	28	9	7	22	29	116
Total	**38**	**54**	**22**	**31**	**82**	**69**	**296**

Intermodal comparison

With its low occurrence of passenger fatalities, rail transit modes (heavy rail and light rail) rank among the safest modes of transportation. The following graph presents passenger fatality rates per 100,000,000 passenger miles for common transportation modes.

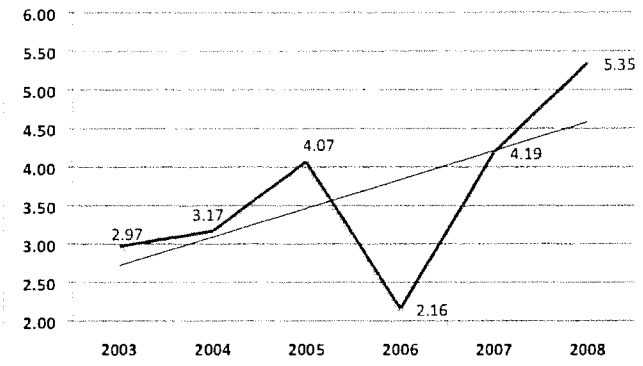
Figure 2 – Passenger fatality rates (per 100,000,000 passenger miles)



Accident Rate – Overall accident trend

Rail transit modes have experienced an increasing accident rate over the last six years. Accident rates were established by standardizing total accidents by 100,000,000 passenger miles.

Figure 3 – Accident rates (per 100,000,000 passenger miles)



- The above graph and trendline show an increasing accident rate over the past six years.
- While 2006 showed a significant drop in accident rate, the rates for 2007 and 2008 continued a rising trend.

Figure 4 – Heavy Rail Accident Rates

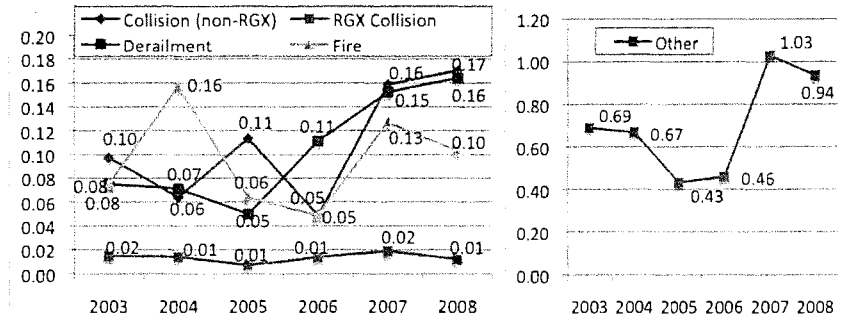
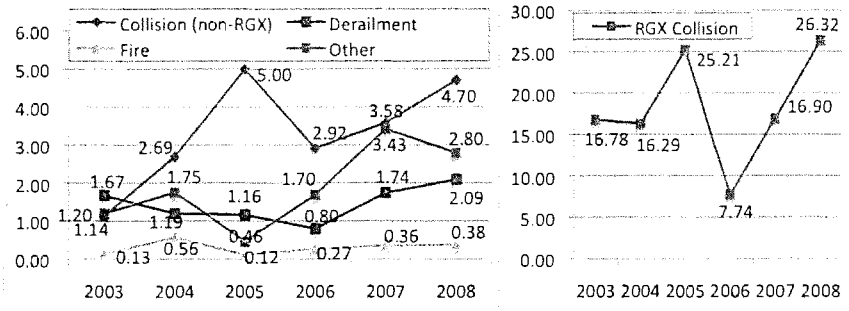


Figure 5 – Light Rail Accident Rates



- Heavy rail accident rates for collisions and derailments increased in 2008. Given the potential for catastropihc events, these trends are of considerable concern.
- Light rail accident rates for collisions, RGX collisions, derailments, and fires increased in 2008.

Risk Profiles

Risk profile – fatalities

The following analysis presents safety data from 2003 to 2008 and depicts who is affected by fatality risk (risk to) and who is responsible for causing it (risk from).

Figure 6 – Fatality risk profile (including suicide and trespassing fatalities)

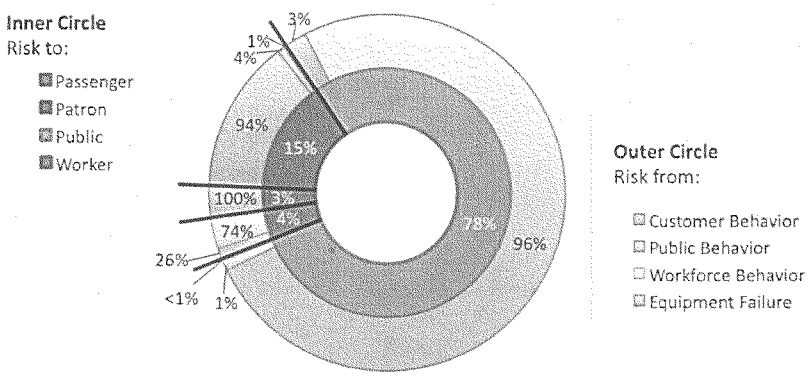
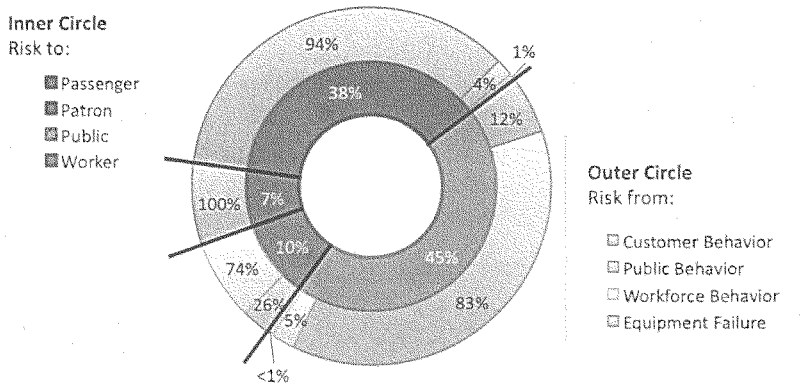


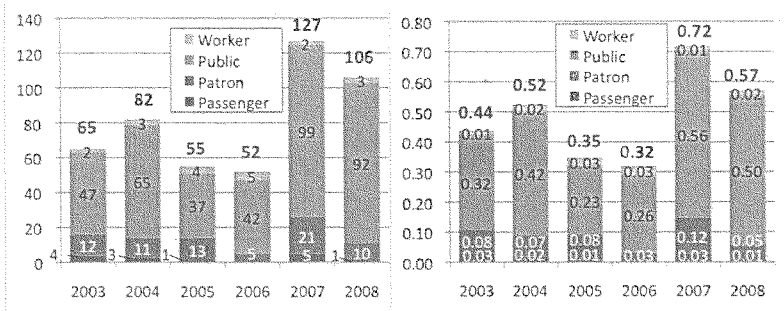
Figure 7 – Fatality risk profile (excluding suicide and trespassing fatalities)



- As shown in Figures 6 and 7, 78% of rail transit fatality risk is to the (non-riding) public. *When excluding suicides and trespassing fatalities, the risk to the public is 45%.*
    - 96% of this risk is caused by public behavior – *83% when excluding suicides and trespassing fatalities.*
- As shown in Figures 6 and 7, 3% of fatality risk is to passengers, *7% when excluding suicides and trespassing.*
    - 100% of this risk is attributed to slips and falls, imprudent customer actions, and medical issues.
- Figures 6 and 7 indicate that 15% of fatality risk is to patrons (individuals waiting for or leaving transit), *38% when excluding suicides and trespassers.*
    - 94% of risk to patrons is caused by their own actions.
- Finally, Figures 6 and 7 show a 4% fatality risk to workers, *10% excluding suicides and trespassing fatalities.*
    - The majority of this risk (74%) is caused by workforce behavior and the remainder (26%) is caused by customer behavior.

Analysis of Fatalities

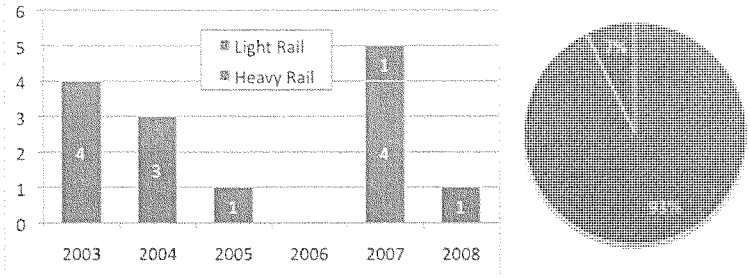
Figure 8 – Fatalities and rates by person type



- Passenger, patron, and public fatalities decreased in 2008.
- Worker fatalities increased in 2008.
- Less than 1% of 2008 fatalities were passengers.
- 9% of 2008 fatalities were patron deaths.
- 87% of 2008 fatalities were public deaths.
- Of the 92 public fatalities, 40 were suicides and 29 were trespassing-related.

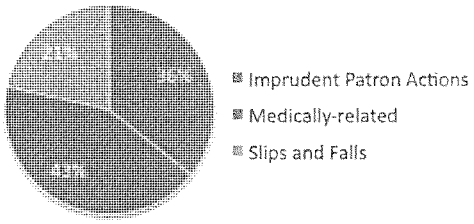
Passenger fatalities

Figure 9 – Passenger fatalities by mode and year



- All passenger fatalities were due to "other" individual accidents.
- 93% of all passenger fatalities occurred on heavy rail service (13 deaths).
- One light rail passenger died in 2007 in a slip-and-fall incident.

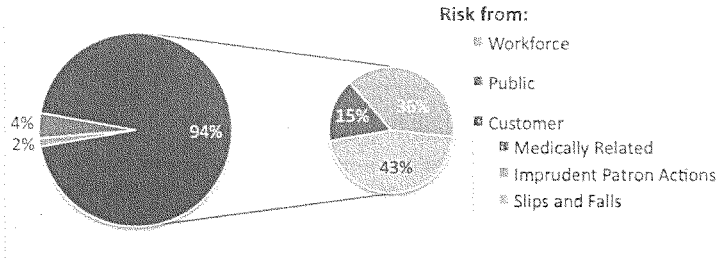
Figure 10 – Passenger fatalities by probable cause: 2003 - 2008



- A total of 14 passengers were killed between 2003 and 2008.
- All fatalities were caused by risk from customer behavior.
- Medically-related events accounted for six fatalities.
- Imprudent patron actions caused five fatalities.
- Slips and falls accounted for three fatalities.
- All passenger fatalities were on heavy rail service except for one light rail passenger slip and fall.

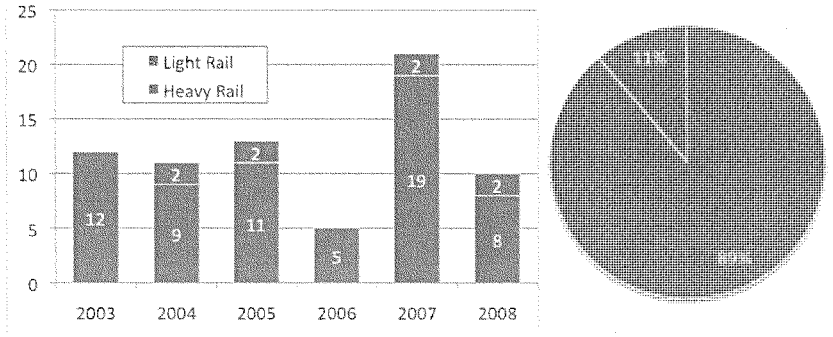
Patron fatalities

Figure 11 – Patron fatality risk: 2003 – 2008



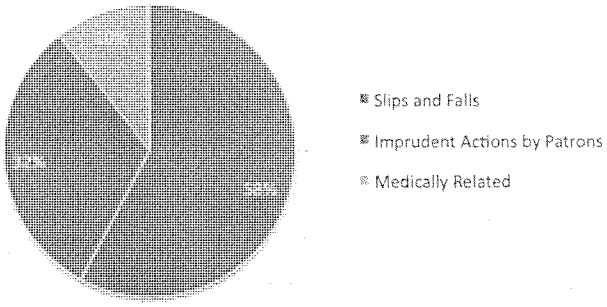
- There were 72 patron fatalities between 2003 and 2008.
- One patron fatality was a pedestrian collision due to inattentiveness (workforce behavior).
- Three fatalities were caused by pedestrian actions (public behavior).
- Customers caused the remaining 94% of all patron fatalities.
    - 11 patron fatalities were medically related.
    - 26 were due to imprudent patron actions.
    - 31 were slips and falls.

Figure 12 – Patron fatalities by mode: 2003 - 2008



- 89% of patron fatalities were related to heavy rail service.
- Heavy rail systems experienced eight patron fatalities in 2008, down from 19 in 2007.

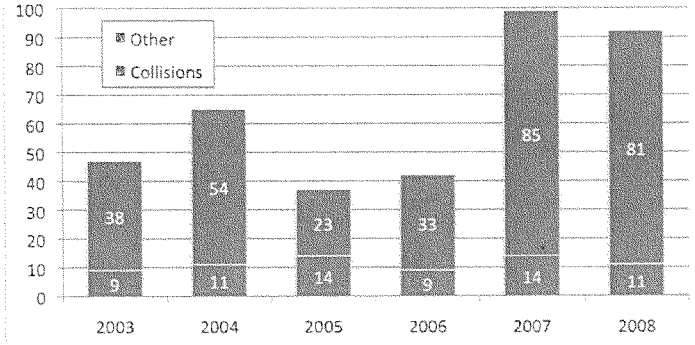
Figure 13 – Heavy rail patron fatalities: 2007



- All patron fatalities in 2007 were "other" individual accidents.
- Slips and falls caused 58% of heavy rail patron fatalities in 2007, including falls in the station and falls from the platform to the track bed.
- 32% of heavy rail patron fatalities were caused by imprudent patron actions, such as patron disputes and jumps to the track bed.
- 10% of the heavy rail patron fatalities were medically related.

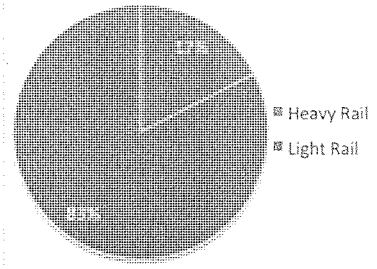
Public fatalities

Figure 14 – Public fatalities by accident type: 2003 - 2008



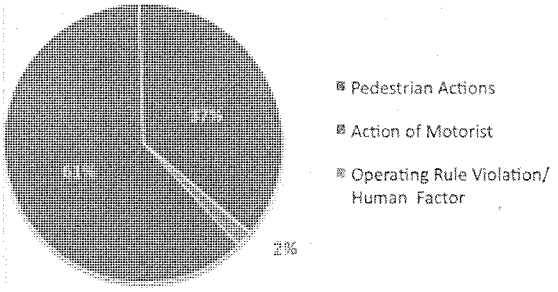
- 82% of the 382 public fatalities resulted from "other" individual events, including 180 suicides, 115 trespassing fatalities, eight deaths caused by imprudent patron actions, five due to actions of motorists, two due to pedestrian actions, one fatal slip and fall, one due to equipment failure, and one due to a medical issue.
- 18% of the public fatalities resulted from collisions.

Figure 15 – Public fatalities by mode, excluding suicides and trespassing: 2003 - 2008



- Heavy rail service reported 17% of public fatalties (excluding suicides and trespassing fatalities), including nine fatalities from collisions with vehicles or pedestrians, five fatalties caused by imprudent patron actions, and one slip-and-fall death.
- Light rail experienced 83% of non-suicide and non-trespassing public fatalties. 66 of these fatalities resulted from collisions and five were "other" individual accidents.

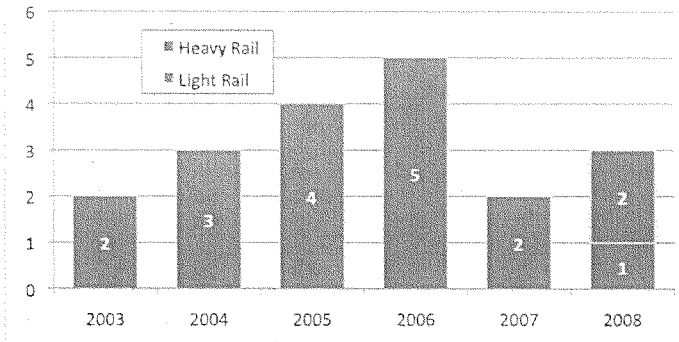
Figure 16 – Public fatalty risk from light rail collisions: 2003 – 2008



- Operating rule violations/ human factors caused three public fatalities.
- Pedestrian actions caused 61% of light rail collision public fatalities.
- Motorist actions caused 37% of the selected fatalities.

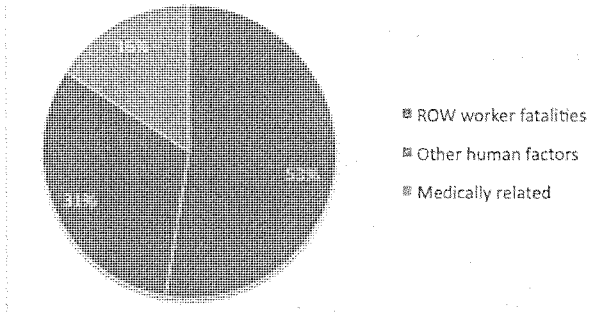
Worker fatalities

Figure 17 – Worker fatalities: 2003 – 2008



- Of the 19 worker fatalities, 17 were reported for heavy rail service and two for light rail service.
- Over half of all worker fatalities were Right-of-Way worker incidents (10 fatalities).

Figure 18 – Worker fatalities by cause: 2003 – 2008



- 10 Right-of-Way workers were killed over the six-year period (struck by trains).
- Six fatalities were caused by other factors such as one operating rule violation that resulted in a fatal train to train collision, and five other single-person accidents (such as slips and falls).
- Medical issues caused three worker fatalities.

Risk profiles – injuries

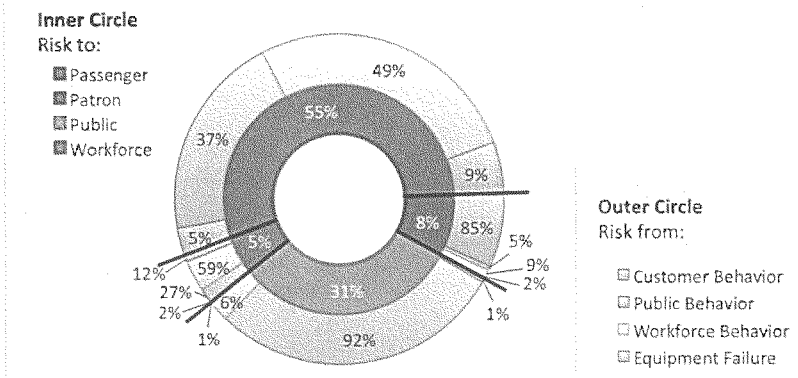
Table 8 presents the number of injuries by accident type for the period 2003 to 2008.

Table 8 - Injuries by Accident Type: 2003 - 2008

Accident Type	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	43	61	50	133	136	235	658
Derailment	9	4	3	279	26	30	351
Fire	199	18	7	57	2	11	294
Other	89	91	47	63	99	176	565
RGX Collision	196	151	217	99	270	225	1158
Total	**65**	**82**	**55**	**52**	**127**	**106**	**3,026**

The following analysis presents safety data from 2003 to 2008 and depicts who is affected by injury risk (risk to) and who is responsible for causing it (risk from).

Figure 19 – Injury Risk Profile



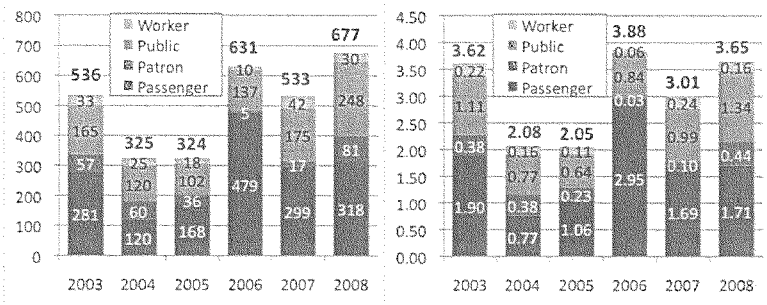
- Figure 19 shows that 55% of injury risk is to passengers. This group includes transit customers aboard trains. 49% of these injuries were caused by workforce behavior, such as operating rule violations and other human factors. 37% of these injuries were caused by public behavior, such as careless auto drivers.
- Figure 19 also indicates that 31% of injury risk is to the public. 92% of public injuries are caused by public behavior. Workforce behavior causes 6% of public

injuries. Other public injuries are caused by customer behavior (imprudent patron actions) and equipment failure.

- Figure 19 shows 8% of injury risk is to patrons. The majority of these injuries (85%) are caused by customer behavior (slips and falls, imprudent patron actions, medical conditions). 9% of patron injuries were caused by workforce behavior (such as poor maintenance).
- Finally, Figure 19 depicts 5% of injury risk to workers. 59% of worker injury risk is caused by workforce behavior. The public causes 27% of worker injuries and equipment failure causes 12%.

Analysis of injuries

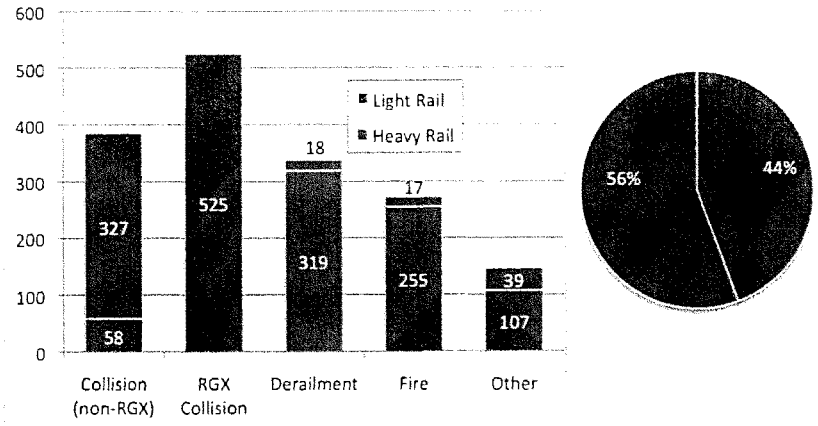
Figure 20 – Injuries and rates by person type



- Passenger, patron, and public injuries increased in 2008.
- Worker injuries decreased in 2008.
- 47% of 2008 injuries were passenger injuries.
- 12% of 2008 injuries were injuries to patrons.
- 37% of 2008 injuries were public injuries.
- 4% of 2008 injuries were injuries to workers.

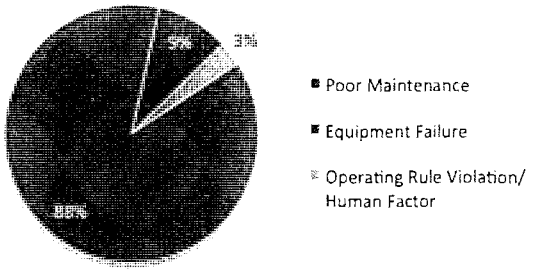
Passenger injuries

Figure 21 – Passenger injuries by mode: 2003 - 2008



- There were 1,665 passenger injuries over the six-year period. 56% of these injuries were reported for light rail service and 44% for heavy rail.
- Of the 926 light rail passenger injuries reported, 57% resulted from rail grade crossing collisions, and 35% from non-rail grade crossing collisions. Light rail non-rail grade crossing collisions include streetcar collisions with autos that occur between intersections. Streetcar collisions occurring at intersections are considered rail grade crossing collisions.
- 4% of light rail passenger injuries resulted from "other" accidents, caused by slips and falls and imprudent patron actions.
- Of the 739 heavy rail injuries reported, 43% resulted from derailments, 35% from fires, 14% from "other" accidents, and 8% from collisions.

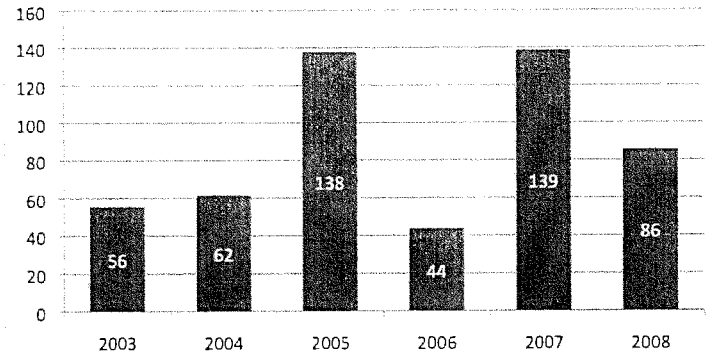
Figure 22 – Heavy rail passenger injuries from derailments: 2006 - 2008



Year	2006	2007	2008
Derailment Injuries	275	23	17

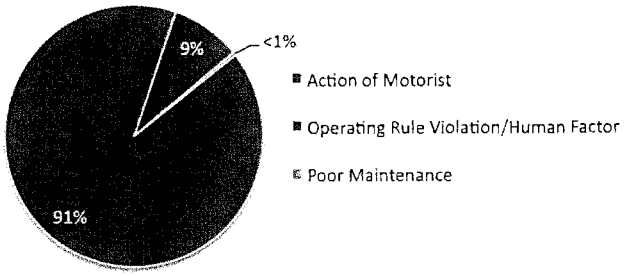
- Between 2006 and 2008, heavy rail service experienced 315 passenger injuries resulting from derailments.
- 261 of these derailment injuries occurred in two Chicago Transit Authority (CTA) derailments caused by poor maintenance: one 257-injury derailment and a 4-injury derailment.
- 29 of these derailment injuries were caused by equipment failure, including a 23-injury Washington Metropolitan Area Transit Authority (WMATA) derailment, a 5-injury CTA derailment, and a single-injury New York City Transit (NYCT) derailment.
- Nine derailment injuries were caused by transit agency human factors, including a 14-injury CTA derailment, an 8-injury Miami-Dade Transit (MDT) derailment, a single-injury CTA derailment, and a single-injury Massachusetts Bay Transportation Authority (MBTA) derailment.

Figure 23 – Light rail grade crossing collision passenger injuries: 2003 – 2008



- 86 passenger injuries resulted from rail grade crossing collisions in 2008, slightly lower than the previous five-year average of 87.8.

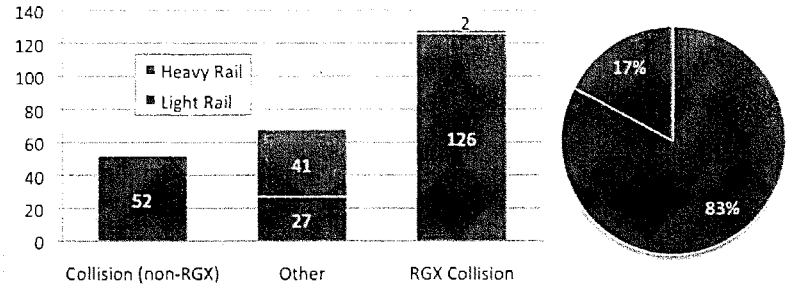
Figure 24 – Light rail grade crossing passenger injuries by cause: 2003 - 2008



- Automobile drivers caused 91% of light rail grade crossing passenger injuries.
- Workforce behavior caused 9% of light rail grade crossing passenger injuries in over the six-year period, including operating rule violations (48 injuries) and poor maintenance (two injuries).

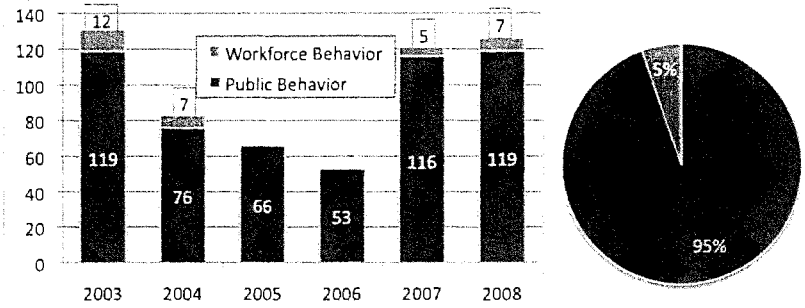
Public injuries

Figure 25 – Public injuries by mode: 2008



- 17% of all public injuries in 2008 were related to heavy rail service (43 injuries).
- Causes of the 43 heavy rail public injuries include motorists (21), trespassers (11), suicide attempts (9), slips and falls (1), and imprudent patron actions (1).
- RGX collisions caused 61% of all light rail public injuries in 2008.
- Causes of light rail RGX public injuries include motorist actions (95 injuries), pedestrians (22), operating rule violations (7), and imprudent patron actions (2).

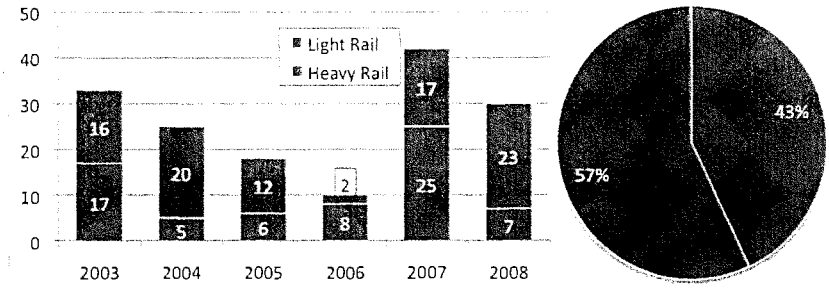
Figure 26 – Light rail RGX injury risk to the public: 2003 - 2008



- Public behavior caused 95% of public injuries resulting from light rail RGX collisions over the six-year period.
    - Motorist actions caused 493 public injuries.
    - Pedestrains caused 54 public injuries.
- 5% of public injuries from RGX collisions were cuased by operating rule violations (workforce behavior).

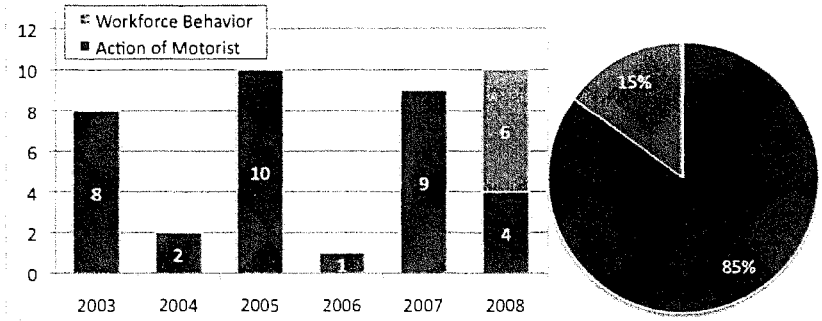
Worker injuries

Figure 27 – Worker injuries by mode: 2003 - 2008



- 57% of all worker injuries are reported by light rail service.
- In 2008, 22 light rail worker injuries resulted from collisions, and one from a derailment.
- The seven heavy rail worker injuries in 2008 resulted from a fire caused by equipment failure that injured a worker and a passenger, and the remaining six worker injuries resulted from "other" reportable workplace accidents.
- Of the seven 2008 heavy rail worker injuries, four were caused by workforce behavior, two by passenger behavior and one by equipment failure.

Figure 28 – Light rail worker RGX collision injuries by cause: 2003 - 2008



- There were 40 workers injured in light rail RGX collisions between 2003 and 2008.
- 85% of these injuries were caused by public behavior, specifically the actions of motorists.

- 15% of these injuries were caused by workforce behavior (operating rule violations/human factors). These injuries were caused by a 2008 New Orleans Regional Transit Authority (NORTA) collision injuring 22 passengers and 4 workers, a 2008 San Francisco Municipal Railway (Muni) collision injuring one passenger and one worker, and a 2008 Memphis Area Transit Authority (MATA) collision injuring one worker.

APPENDIX – Data Tables

Rail Transit Accidents

Heavy Rail	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	13	9	16	7	25	28	98
Derailment	10	10	7	16	24	27	94
Fire	10	22	9	7	20	17	85
Other	92	94	61	66	162	154	629
RGX Collision	2	2	1	2	3	2	12
Total	**127**	**137**	**94**	**98**	**234**	**228**	**918**

Light Rail	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	17	43	86	55	70	99	370
Derailment	25	19	20	15	34	44	157
Fire	2	9	2	5	7	8	33
RGX Collision	251	260	434	146	330	554	1975
Other	18	28	8	32	67	59	212
Total	**313**	**359**	**550**	**253**	**508**	**764**	**2747**

Total	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	30	52	102	62	95	127	468
Derailment	35	29	27	31	58	71	251
Fire	12	31	11	12	27	25	118
Other	110	122	69	98	229	213	841
RGX Collision	253	262	435	148	333	556	1987
Total	**440**	**496**	**644**	**351**	**742**	**992**	**3665**

Rail Transit Fatalities

Passenger	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	0	0	0	0	0	0	0
Derailment	0	0	0	0	0	0	0
Fire	0	0	0	0	0	0	0
Other	4	3	1	0	5	1	14
RGX Collision	0	0	0	0	0	0	0
Total	**4**	**3**	**1**	**0**	**5**	**1**	**14**

HR	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	0	0	0	0	0	0	0
Derailment	0	0	0	0	0	0	0
Fire	0	0	0	0	0	0	0
Other	4	3	1	0	4	1	13
RGX Collision	0	0	0	0	0	0	0
Total	**4**	**3**	**1**	**0**	**4**	**1**	**13**

LR	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	0	0	0	0	0	0	0
Derailment	0	0	0	0	0	0	0
Fire	0	0	0	0	0	0	0
Other	0	0	0	0	1	0	1
RGX Collision	0	0	0	0	0	0	0
Total	**0**	**0**	**0**	**0**	**1**	**0**	**1**

Patron	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	4	0	2	0	0	2	8
Derailment	0	0	0	0	0	0	0
Fire	0	0	0	0	0	0	0
Other	8	11	11	5	19	8	62
RGX Collision	0	0	0	0	2	0	2
Total	**12**	**11**	**13**	**5**	**21**	**10**	**72**

HR	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	4	0	0	0	0	1	5
Derailment	0	0	0	0	0	0	0
Fire	0	0	0	0	0	0	0
Other	8	9	11	5	19	7	59
RGX Collision	0	0	0	0	0	0	0
Total	**12**	**9**	**11**	**5**	**19**	**8**	**64**

LR	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	0	0	2	0	0	1	3
Derailment	0	0	0	0	0	0	0
Fire	0	0	0	0	0	0	0
Other	0	2	0	0	0	1	3
RGX Collision	0	0	0	0	2	0	2
Total	**0**	**2**	**2**	**0**	**2**	**2**	**8**

Public*	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	0	1	10	2	6	1	20
Derailment	0	0	0	0	0	0	0
Fire	0	0	0	0	0	0	0
Other	38	54	23	33	85	81	314
RGX Collision	9	10	4	7	8	10	48
Total	**47**	**65**	**37**	**42**	**99**	**92**	**382**

HR	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	0	0	1	0	1	0	2
Derailment	0	0	0	0	0	0	0
Fire	0	0	0	0	0	0	0
Other	30	44	19	17	68	71	249
RGX Collision	1	0	0	0	2	0	3
Total	**31**	**44**	**20**	**17**	**71**	**71**	**254**

LR	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	0	1	9	2	5	1	18
Derailment	0	0	0	0	0	0	0
Fire	0	0	0	0	0	0	0
Other	8	10	4	16	17	10	65
RGX Collision	8	10	4	7	6	10	45
Total	**16**	**21**	**17**	**25**	**28**	**21**	**128**

Worker	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	0	2	1	3	2	3	11
Derailment	0	0	0	0	0	0	0
Fire	0	0	0	0	0	0	0
Other	2	1	3	2	0	0	8
RGX Collision	0	0	0	0	0	0	0
Total	**2**	**3**	**4**	**5**	**2**	**3**	**19**

HR	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	0	2	1	3	2	1	9
Derailment	0	0	0	0	0	0	0
Fire	0	0	0	0	0	0	0
Other	2	1	3	2	0	0	8
RGX Collision	0	0	0	0	0	0	0
Total	**2**	**3**	**4**	**5**	**2**	**1**	**17**

LR	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	0	0	0	0	0	2	2
Derailment	0	0	0	0	0	0	0
Fire	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0
RGX Collision	0	0	0	0	0	0	0
Total	**0**	**0**	**0**	**0**	**0**	**2**	**2**

Total	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	4	3	13	5	8	6	39
Derailment	0	0	0	0	0	0	0
Fire	0	0	0	0	0	0	0
Other	52	69	38	40	109	90	398
RGX Collision	9	10	4	7	10	10	50
Total	**65**	**82**	**55**	**52**	**127**	**106**	**487**

HR	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	4	2	2	3	3	2	16
Derailment	0	0	0	0	0	0	0
Fire	0	0	0	0	0	0	0
Other	44	57	34	24	91	79	329
RGX Collision	1	0	0	0	2	0	3
Total	**49**	**59**	**36**	**27**	**96**	**81**	**348**

LR	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	0	1	11	2	5	4	23
Derailment	0	0	0	0	0	0	0
Fire	0	0	0	0	0	0	0
Other	8	12	4	16	18	11	69
RGX Collision	8	10	4	7	8	10	47
Total	**16**	**23**	**19**	**25**	**31**	**25**	**139**

* includes suicides and trespassing fatalities

Rail Transit Injuries

Passenger	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	17	26	11	85	83	163	385
Derailment	3	1	3	275	26	29	337
Fire	187	17	5	53	2	8	272
Other	18	14	11	22	49	32	146
RGX Collision	56	62	138	44	139	86	525
Total	281	120	168	479	299	318	1665

HR	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	11	21	1	0	19	6	58
Derailment	0	1	3	275	23	17	319
Fire	187	9	5	53	0	1	255
Other	12	8	8	15	38	26	107
RGX Collision	0	0	0	0	0	0	0
Total	210	39	17	343	80	50	739

LR	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	6	5	10	85	64	157	327
Derailment	3	0	0	0	3	12	18
Fire	0	8	0	0	2	7	17
Other	6	6	3	7	11	6	39
RGX Collision	56	62	138	44	139	86	525
Total	71	81	151	136	219	268	926

Patron	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	5	2	10	0	2	7	26
Derailment	0	0	0	0	0	0	0
Fire	0	0	0	0	0	2	2
Other	52	58	25	5	15	71	226
RGX Collision	0	0	1	0	0	1	2
Total	57	60	36	5	17	81	256

HR	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	5	1	6	0	1	4	17
Derailment	0	0	0	0	0	0	0
Fire	0	0	0	0	0	2	2
Other	51	56	22	3	14	69	215
RGX Collision	0	0	0	0	0	0	0
Total	56	57	28	3	15	75	234

LR	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	0	1	4	0	1	3	9
Derailment	0	0	0	0	0	0	0
Fire	0	0	0	0	0	0	0
Other	1	2	3	2	1	2	11
RGX Collision	0	0	1	0	0	1	2
Total	1	3	8	2	2	6	22

Public*	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	13	20	23	47	23	52	178
Derailment	1	0	0	0	0	0	1
Fire	0	0	1	0	0	0	1
Other	19	13	10	36	30	68	176
RGX Collision	132	87	68	54	122	128	591
Total	165	120	102	137	175	248	947

HR	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	0	0	0	0	1	0	1
Derailment	0	0	0	0	0	0	0
Fire	0	0	1	0	0	0	1
Other	13	11	8	31	14	41	118
RGX Collision	1	2	2	1	0	2	8
Total	14	13	11	32	15	43	128

LR	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	13	20	23	47	22	52	177
Derailment	1	0	0	0	0	0	1
Fire	0	0	0	0	0	0	0
Other	6	2	2	5	16	27	58
RGX Collision	131	85	66	53	122	126	583
Total	151	107	91	105	160	205	819

Worker	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	8	13	6	1	28	13	69
Derailment	5	3	0	4	0	1	13
Fire	12	1	1	4	0	1	19
Other	0	6	1	0	5	5	17
RGX Collision	8	2	10	1	9	10	40
Total	33	25	18	10	42	30	158

HR	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	3	4	4	0	23	1	35
Derailment	2	0	0	4	0	0	6
Fire	12	1	1	4	0	1	19
Other	0	0	1	0	2	5	8
RGX Collision	0	0	0	0	0	0	0
Total	17	5	6	8	25	7	68

LR	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	5	9	2	1	5	12	34
Derailment	3	3	0	0	0	1	7
Fire	0	0	0	0	0	0	0
Other	0	6	0	0	3	0	9
RGX Collision	8	2	10	1	9	10	40
Total	16	20	12	2	17	23	90

Total	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	43	61	50	133	136	235	658
Derailment	9	4	3	279	26	30	351
Fire	199	18	7	57	2	11	294
Other	89	91	47	63	99	176	565
RGX Collision	196	151	217	99	270	225	1158
Total	536	325	324	631	533	677	3026

HR	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	19	26	11	0	44	11	111
Derailment	2	1	3	279	23	17	325
Fire	199	10	7	57	0	4	277
Other	76	75	39	49	68	141	448
RGX Collision	1	2	2	1	0	2	8
Total	297	114	62	386	135	175	1169

LR	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	24	35	39	133	92	224	547
Derailment	7	3	0	0	3	13	26
Fire	0	8	0	0	2	7	17
Other	13	16	8	14	31	35	117
RGX Collision	195	149	215	98	270	223	1150
Total	239	211	262	245	398	502	1857

* includes suicide attempts and trespassing injuries

APPENDIX – Data Tables

Accident Causes

Equipment Failure

Accident Category	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	0	2	8	1	1	1	13
RGX Collision	2	0	0	0	1	1	4
Derailment	11	3	4	6	36	20	80
Fire	9	23	5	6	22	19	84
Other	1	7	1	8	22	20	59
Total	23	35	18	21	82	61	240

Action of Motorist

Accident Category	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	0	0	0	27	2	35	64
Derailment	0	0	0	0	1	0	1
Other	0	0	0	1	1	6	8
RGX Collision	230	235	417	128	292	481	1783
Total	230	235	417	156	296	522	1856

Pedestrian

Accident Category	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	12	24	42	13	24	31	146
Other	2	0	0	0	13	7	22
RGX Collision	4	9	9	12	27	32	93
Total	18	33	51	25	64	70	261

Poor Maintenance

Accident Category	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	3	7	0	0	0	6	16
RGX Collision	0	0	0	0	1	0	1
Derailment	8	13	7	11	4	12	55
Fire	3	6	6	6	5	5	31
Other	2	3	0	5	0	4	14
Total	16	29	13	22	10	27	117

Slips and Falls

Accident Category	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	9	2	7	0	2	3	23
Other	24	19	15	5	21	36	120
Total	33	21	22	5	23	39	143

Medically Related

Accident Category	2003	2004	2005	2006	2007	2008	Total
Other	7	8	5	0	5	2	27
Total	7	8	5	0	5	2	27

Other/Unknown

Accident Category	2003	2004	2005	2006	2007	2008	Total
Other	0	0	0	0	0	2	2
Total	0	0	0	0	0	2	2

Operating Rule Violation/Human Factor

Accident Category	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	6	17	45	21	66	47	202
RGX Collision	17	18	9	8	12	39	103
Derailment	16	13	16	14	17	39	115
Fire	0	2	0	0	0	1	3
Other	1	4	1	11	18	8	43
Total	40	54	71	54	113	134	466

Imprudent Actions

Accident Category	2003	2004	2005	2006	2007	2008	Total
Collision (non-RGX)	0	0	0	0	0	4	4
Other	18	21	15	18	48	20	140
RGX Collision	0	0	0	0	0	3	3
Total	18	21	15	18	48	27	147

Suicides

Accident Category	2003	2004	2005	2006	2007	2008	Total
Other	20	26	17	34	71	51	219
Total	20	26	17	34	71	51	219

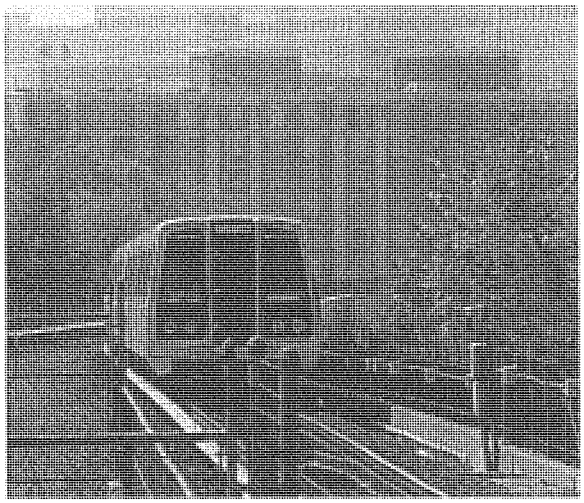
Trespasser

Accident Category	2003	2004	2005	2006	2007	2008	Total
Other	35	34	15	16	30	57	187
Total	35	34	15	16	30	57	187

Optimizing State Safety Oversight of the WMATA Metro Rail System

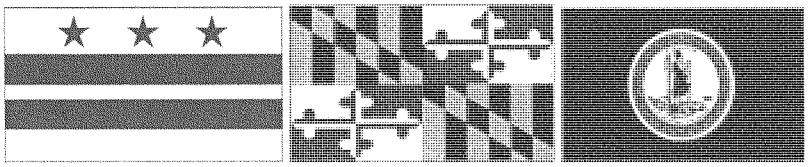
White Paper

April 20, 2010



presented by

The District of Columbia, the State of Maryland, and the Commonwealth of Virginia



1. Background

The Tri-State Oversight Committee (TOC) is the designated State Safety Oversight (SSO) program for the Washington Metropolitan Area Transit Authority (WMATA) Metro Rail system. Under a Memorandum of Understanding (MOU), the three jurisdictions that WMATA serves (the State of Maryland, the Commonwealth of Virginia, and the District of Columbia) each appoint representatives to serve on the TOC.

The current structure and function of the TOC has presented challenges in the implementation of the SSO program. First, TOC is not a legal entity, but was created by the three member jurisdictions through an MOU in 1997. Thus, members are foremost employees of their respective jurisdictions under separate bureaucracies with distinct rules dictating TOC staff-level decisions, all of which hinder decision-making and ensure that TOC often cannot effectively respond to critical oversight issues in a timely manner. Second, TOC members lack policymaking authority, having to seek permission from superiors at the transportation agencies they work for prior to taking action, which creates the potential for conflicts of interest.

The purpose of this White Paper is to describe the elements of an "ideal" SSO program for the oversight of WMATA.[1] This paper proposes: (a) alternatives to the TOC through a new framework and structure for independent safety oversight; and (b) actions that would improve the TOC in the interim prior to establishment of such long term solutions. In describing these elements, this White Paper is not constrained by the resources (financial, technical, and otherwise) of the affected jurisdictions.

Through the WMATA safety oversight reforms outlined below, this paper is intended to address for TOC the policy, structure, and governance level findings of the March 4, 2010 Federal Transit Administration (FTA) Audit Report:

> **Finding #1:** Assess the level of resources necessary from each jurisdiction (District of Columbia, Maryland and Virginia) to meet TOC's responsibilities. Use the results of the assessment to establish resource commitments from each jurisdiction to TOC for the next three calendar years. Resources should be committed and onboard before the beginning of the next Federal audit cycle.
>
> **Finding #2:** Evaluate the technical and professional skills that TOC representatives need to effectively carry out their oversight duties. To the extent that TOC representatives do not currently possess these skills, ensure training is provided as soon as practicable to each TOC member.
>
> **Finding #3:** Determine the best method to respond quickly and professionally, as WMATA safety situations arise and require coordinated action. Consider whether full-time TOC positions can be vested with decision-making authority to act in specific safety situations with WMATA.

[1] Note that this paper prescribes means to enhance operational and occupational safety on the WMATA rail transit system, and does not focus on homeland security, emergency preparedness, or public safety. While the TOC is responsible for the oversight of both safety and security, this White Paper focuses on safety issues at WMATA. Although security measures and policing are important components of a successful transit system, the problem being addressed here has more to do with accidents and other issues indicative of operations and oversight mechanisms within the jurisdiction of transit agencies at the local, state, and federal levels. It is possible that DHS may someday assume responsibility for transit security issues since it has the legal authority to do so.

> **Finding #4:** Identify and formalize a mechanism to ensure that critical unresolved WMATA safety concerns identified by TOC members are elevated to the highest levels of each TOC jurisdictional agency and WMATA for immediate action.

Appendix A identifies FTA Audit Finding(s) that are addressed by each of the reforms.

Additionally, while this White Paper describes an idealized TOC SSO program for WMATA within the framework of 49 Code of Federal Regulations, Part 659 ("Part 659"), it is also designed to allow flexibility for the program to adhere to future oversight requirements, such as legislation currently proposed in Congress. Although the proposed legislation (H.R. 4643 / S. 3015, *The Public Transportation Safety Act of 2010*) would significantly overhaul the oversight of rail transit, any legislative solution to the existing issues with oversight of WMATA and other rail transit systems will not occur in the short term. However, it is the intent of the three member jurisdictions that elements of any new state safety oversight program and interim actions facilitate movement of the existing oversight program under Part 659 toward meeting any new oversight requirements, such as those set forth in H.R. 4643 / S. 3015.

2. Goals for Improving the WMATA Safety Oversight Program

The recommended set of actions outlined below define how Maryland, Virginia, and the District of Columbia are taking the initiative to address significant policy issues confronting the TOC, WMATA, and public confidence in operational and occupational safety on the Metro Rail system. Our objective is to strengthen the oversight of safety on the Metro Rail system by putting in place a program capable of meeting or even exceeding the proposed federal requirements outlined in H.R. 4643 / S. 3015 and addressing the aforementioned FTA Audit.

The following recommendations were devised and analyzed to achieve three goals shared by Maryland, Virginia, and the District of Columbia:

- TRANSPARENCY – The process for safety oversight must be conducted in plain view of the public to the greatest extent possible, and the safety oversight body should be held accountable for its decisions, processes, and policies.

- INDEPENDENCE – Safety oversight of WMATA should be conducted independently and separate from the financial management of WMATA by the TOC jurisdictions.

- AUTHORITY – The safety oversight body should have the power to implement its decisions effectively and efficiently.

3. WMATA Safety Oversight Program Reforms

Because urgent action is needed to enhance transit safety on the WMATA metro rail system, the three jurisdictions should take action to implement measures in the short- and long-term. Even if H.R. 4643 / S. 3015 is enacted in the near future, the Federal Transit Administration (FTA)'s rulemaking process and appropriations of federal funds for the rail transit safety program may take years to complete. In the same way, legally establishing a new SSO program for the

oversight of WMATA in accordance with H.R. 4643 / S. 3015, would likely entail actions that will consume years to complete. In the interim, actions should be taken that do not require time-consuming procedures or negotiations, yet ensure that safety standards and enforcement procedures are in place to help focus WMATA on meeting its obligations to its riders and employees, and to establish a procedure that is transparent, independent, and with the authority to improve safety. To this end, this paper proposes that the three jurisdictions' WMATA Safety Oversight Program enhancement strategy be carried out in two phases:

1. PHASE ONE: Creation of a strengthened Interim TOC Oversight Program;
2. PHASE TWO: Federal oversight of WMATA's safety oversight functions or legal creation of a Metro Safety Commission.

The next step beyond Phase One may be shaped by such events as enactment of the federal Public Transportation Safety Act, promulgation of FTA guidance, execution of a Presidential Executive Order, WMATA Board decisions that improve transit safety, or a determination by the jurisdictional leadership that a combination of these events have altered the original plan to enter into a second phase. Maryland, Virginia, and the District of Columbia would then evaluate the existing TOC structure and may take either of the two following Phase Two options or other options as appropriate, into consideration.

3.1. PHASE ONE – *Interim Program*[2]

Planning for and implementing Phase Two will likely entail actions that will consume years to complete. Resources, as described below and rules of participation will have to be formalized through binding agreements, and may require legislative action on the local, state, and federal levels. The current budgetary challenges on the three jurisdictions due to the economic recession may further constrain the ability of the jurisdictions to take Phase Two actions sooner rather than later. Because urgent action is needed to enhance transit safety on the WMATA metro rail system, the three jurisdictions should undertake short-term actions prior to the establishment of the MSC by implementing an enhanced Interim TOC Oversight Program that should include the following elements, at minimum:

- **TOC Policy Committee**[3] – Because all issues, from policy to staff-level, must currently be facilitated and processed by the three jurisdictions under three different sets of rules and regulations, a TOC Policy Committee should be established to formulate uniform policies and protocols for the TOC to bring oversight issues and requests before senior leadership in the home jurisdictions, respond to public information requests in a consistent and timely manner, and establish operating rules of engagement for all TOC members. This Committee should consist of 3 members and 3 alternates appointed by the Governors/Mayor of the three jurisdictions, and be granted authority and policy-making discretion through a formalized agreement.

[2] By implementing the Interim Program to improve safety, FTA Audit Findings # 1, 2, 3, and 4 would be addressed.
[3] Creating a TOC Policy Committee would address FTA Audit Findings # 1, 3, and 4.

- **Providing the TOC Chair with Additional Executive Authority**[4] – Granting additional authority to the Chair to act in specific safety situations with WMATA that require coordinated action would allow the TOC to respond quickly and professionally and implement executive decisions more efficiently and effectively. In this way, the TOC would be held accountable for decisions it makes or fails to make.

- **Requiring the Chair to be Full Time Staff and Extending the Terms of the Chair and Vice Chair**[5] – The FTA Audit noted that since its inception in 1997, TOC has experienced considerable turnover among its members, a minority of whom are committed to TOC full-time. In addition, the rotation of the Committee Chair and Vice Chair positions on a yearly basis poses problems associated with lack of continuity. Requiring the Chair to be committed to TOC full-time and extending the term of the Chair to 2 or 3 years would enhance the ability of the TOC to provide consistency and continuity in its oversight duties.

- **Monthly Reporting and Performance Reviews**[6] – To increase transparency and accountability, a process should be established to require the TOC to report on a monthly basis to member entities in the TOC Policy Committee, its jurisdictions and the WMATA board. The TOC should also undergo rigorous, regular performance reviews.[7]

3.2. PHASE TWO – Long-Term Program

Phase Two would entail the three jurisdictions, with the assistance of the Interim TOC and the FTA, (a) evaluating the existing TOC structure in light of Congressional, federal administrative, WMATA, or jurisdictional actions, (b) analyzing the federal program based on final FTA guidance, and (c) collectively determining the impact of offering the federal government an opportunity to administer the safety program as a demonstration project, maintaining control over administration of the program, or other long-term alternatives as appropriate. Though these considerations and decisions would be made at a future date, it should nonetheless be governed by the assurance that the goals of transparency, independence, and authority are met.

3.2.1. *Federal Oversight of WMATA Safety*[8]

If H.R. 4643 / S. 3015 is enacted and provides for certain states like those in the National Capitol Region to partner with the federal government to directly oversee transit systems,

[4] Providing the TOC Chair with additional executive authority would address FTA Audit Finding # 3.
[5] Requiring the TOC Chair to be full time staff and extending the terms of the Chair and Vice Chair would address FTA Audit Finding # 3.
[6] Monthly reporting and performance reviews would address FTA Audit Findings # 2 and 4.
[7] Such performance reviews may be modeled on the StateStat program (see http://www.statestat.maryland.gov/).
[8] Allowing the federal government to provide oversight of WMATA's safety functions would not address FTA Audit Findings # 1, 2, 3, and 4 because doing so would not require (1) resource commitments from each jurisdiction, (2) oversight members from each jurisdiction to possess certain technical and professional skills, (3) methods for the jurisdictions to respond to WMATA safety situations quickly, professionally, and in a coordinated fashion, and (4) a mechanism to elevate critical unresolved WMATA safety concerns to the highest levels of each jurisdictional agency.

it may be beneficial to have the FTA be more involved in the safety oversight functions of the WMATA system. A number of critical financial, political, operational, and policy issues should be examined, however, prior to the federal government assuming any responsibility for the safety oversight of WMATA. Since it is unlikely that the federal government will agree to directly oversee transit safety without significant concessions by the SSO agency that they replace, states would need assurances from the FTA that their financial exposure will be limited as a result of such federal oversight.

3.2.2. *Metro Safety Commission*[9]

The alternative would involve the legal creation of a Metro Safety Commission (MSC). The MSC would consist of three members and three alternates – one member and one alternate representing each jurisdiction appointed by the jurisdiction's Governors or Mayor. The MSC would provide for the safety oversight of the WMATA Metro Rail system, having the power to conduct and enforce the safety oversight of Metro, sue and be sued, and hire and fire staff. In this way, the MSC would ensure that all issues identified, from policy to staff-level, are no longer facilitated and processed by the three jurisdictions individually. The MSC, under its legal authority, would promulgate its own policies, rules, and regulations that dictate staff-level decisions and ensure that the MSC can effectively respond to critical oversight issues in a timely manner.

- **MSC Board Membership**[10] - MSC members should be appointed by the Governors of Maryland and Virginia and the Mayor of the District of Columbia in a mutually-agreeable, formalized process that is consistent amongst the three jurisdictions. Members should consist of high-level executive branch personnel with policymaking authority that is independent of both WMATA and the jurisdictions' transportation agencies.[11] These members would set a coordinated MSC policy that is agreed upon by the three jurisdictions' representatives and formalized to facilitate more effective and efficient decision-making on such oversight programmatic and multi-jurisdictional issues as public information/media and Freedom of Information Act (FOIA) requests.[12]

- **MSC Program Director**[13] - The MSC should hire a full-time MSC Director (the Director) who would report directly to the MSC and conduct and manage the oversight program. The Director would have the authority to facilitate the oversight program and conduct meetings, reviews, and inspections in accordance with program requirements. To the extent that the Director requires technical and administrative assistance in the facilitation of the oversight program, he or she should hire staff

[9] By creating the MSC as an independent transparent entity with the authority to improve safety, FTA Audit Findings # 1, 2, 3, and 4 would be addressed.
[10] Establishing the MSC with such membership would address FTA Audit Findings # 1, 3 and 4.
[11] This includes, but is not limited to, the Maryland Department of Transportation, the Maryland Transit Administration, the Virginia Department of Rail and Public Transportation, and the District Department of Transportation.
[12] FOIA requests would be better handled under the MSC since the MSC would be an independent entity and follow a FOIA structure developed in relationship to personnel.
[13] Creating the MSC Director position would address FTA Audit Findings # 1, 2, and 3.

members and technical consultants as necessary to fulfill the requirements of the program, but within the budget framework set forth by the appointed MSC members.

- The oversight program activities that the Director facilitates should include, but is not limited to: (a) oversight of WMATA's Internal Safety and Security Audit Program; (b) review and approval of all required program documentation, including the System Safety Program Plan and Security & Emergency Preparedness Plan; (c) investigation of accidents and incidents; (d) review, approval, and tracking of corrective action plans (CAPs); (e) oversight of WMATA's Hazard Management Program, including monitoring hazardous conditions on an ongoing basis; and (f) evaluation of hazardous conditions through periodic on-site reviews and inspections of WMATA facilities and equipment, and the WMATA right-of-way.

- At minimum, the Director should have general expertise in the following areas: (a) rail system safety or industrial safety; (b) rail transit operations and/or maintenance; (c) transportation engineering; (d) emergency management and/or response; and/or (e) other skill sets as appropriate.

- **MSC Staff**[14] - MSC staff hired by the Director should have experience in the following areas: (a) rail system safety or industrial safety; (b) rail transit operations and/or maintenance; (c) transportation engineering; (d) emergency management and/or response; and/or (e) other skill sets as appropriate.

- **Legal Independence**[15] - The MSC, Director, and MSC staff should be completely independent from WMATA, the WMATA Board of Directors, and the jurisdictions' transportation agencies. In order to avoid real or perceived conflicts of interest, it is essential that the appointed MSC members, Director, and staff be fully independent from the transit agency they oversee and those transportation agencies that may be perceived to hold financial or political influence over them.

- **Funding**[16] – The MSC should be supported annually off the top of what the three member jurisdictions and federal government give to WMATA as provided by the WMATA Compact. It should also be funded from federal and local sources that become available for transit safety purposes.

- **MSC Pilot Program**[17] – H.R. 4643 / S. 3015 should be amended to authorize the FTA to establish a pilot transit safety program in the WMATA region with initial funds allocated to the program. This pilot program would be a means to plan for and implement the MSC as a demonstration project for the nation to model, and if successful, would give it an advantage should robust federal funding for rail transit safety be made available through federal appropriations.

[14] MSC Staff with these skills would address FTA Audit Findings # 1, 2, and 3.
[15] Establishing such legal independence for the MSC would address FTA Audit Findings # 1, 3, and 4.
[16] This funding structure for the MSC would address FTA Audit Findings # 1 and 3.
[17] A MSC Pilot Program would address FTA Audit Findings # 1, 2, 3, and 4.

4. Program Needs for Phase One and Phase Two

Whether the Interim TOC, MSC, or FTA administers the operational safety oversight program over the WMATA Metro Rail system, enhanced standards and enforcement procedures should be in place to help focus WMATA on meeting its obligations to its riders and employees. The status quo is not a viable option. An Interim TOC Oversight Program, a legally-authorized Metro Safety Commission, and direct federal oversight would have to assure the riders, employees, and taxpayers that operational safety on the Metro Rail system is overseen by an independent and transparent entity with the authority to improve safety and enforce its rules. Such an entity would have, at minimum, the following resources, expertise, experience, and training, and perform the activities listed below.

4.1. Phase One

Resources devoted to any safety oversight program over the Metro Rail system should, at minimum, better ensure consistent and effective oversight of WMATA. This includes:

4.1.1. Resources

- **Full Funding of Program Needs**[18] - Safety oversight should be funded in a manner commensurate with the oversight of the second-largest rail transit system in the United States. To facilitate the ongoing oversight activities conducted by employees and contractors, the Interim TOC Oversight Program should be funded accordingly from local, state, and federal sources.

- **Independent Headquarters**[19] - The Interim TOC Oversight Program should be provided an office located near a Metro Rail line to facilitate regular interface with WMATA, federal agencies, and easy, centralized access to other local governments and entities.

- **Communications**[20] – Any safety oversight program over the Metro Rail system should work to increase transparency by developing its own program website, holding open meetings, and providing a single source for the flow of communications. The TOC should publish reports, issue statements, and post relevant safety and security information. The website should also provide a method for reporting safety or security concerns.

4.1.2. Expertise, Experience, and Training

[18] Full funding of the oversight program would address FTA Audit Findings # 1 and 3.
[19] An independent headquarters would address FTA Audit Findings # 1 and 3.
[20] Increasing transparency in communications would address FTA Audit Finding # 1.

Minimum levels of experience and expertise should also be established for safety oversight program staff, whether they are State or Federal employees, and consultants to ensure that the individuals engaged in oversight activities have appropriate skill sets.

- **Consultant**[21] – A technical consultant should be hired as required to provide necessary technical expertise. To the extent that there is a lack of technical expertise or experience in subject matter areas necessary for the implementation of the oversight program, the safety oversight program should employ the services of a technical consultant within the framework of the program budget.

- **Training and Certifications**[22] – All oversight program staff, including any Committee members, as well as consultants, must complete any training and/or certification programs required by program policy, and/or federal and state requirements.

4.1.3. Oversight Program Activities

Minimum levels of safety oversight program activities should also be established to ensure that the program is meaningful and relevant to the three jurisdictions, WMATA, and the public riding and working on the Metro Rail system.

- **Program Standards and Procedures**[23] – Any oversight program should continue to promulgate oversight program requirements through the Program Standards and Procedures for which TOC Policy Committee members should have final approval. WMATA must comply with these requirements, so any oversight program must also be able to enforce its decisions, policies and regulations.

- **Frequent Interactions with WMATA Leadership**[24] – The WMATA General Manager and Board of Directors should meet with the appointed Interim TOC Oversight Program on a regular basis to discuss policy and other outstanding issues. This would entail a monthly reporting process and issues briefings with the WMATA Board on a regular basis as needed. It would also require program leadership to facilitate staff-level meetings between program staff and WMATA managers, including and the General Manager.

4.2. Phase Two

In the case of the federal government providing direct oversight of safety at WMATA, no local or state resources are anticipated to be required. On the other hand, a Metro Safety Commission would need the following resources and expertise in addition to the Phase One requirements provided above:

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[21] Employing the services of a technical consultant would address FTA Audit Findings # 1 and 2.
[22] Requiring training and/or certification would address FTA Audit Findings # 1 and 2.
[23] Enforceable, coordinated program standards and procedures would address FTA Audit Findings # 3 and 4.
[24] Regular reporting, briefings, and meetings with the WMATA General Manager and Board of Directors would address FTA Audit Finding # 4.

- **Personnel and Procurement Standards**[25] – Any safety oversight program over the Metro Rail system should adopt federal procurement standards or standards acceptable to meet public procurement and personnel practices.

- **Director and Staff**[26] – At minimum, any Director should have general expertise in, and staff should have experience in the following areas: (a) rail system safety or industrial safety; (b) rail transit operations and/or maintenance; (c) transportation engineering; (d) emergency management and/or response; and/or (e) other skill sets as appropriate.

5. WMATA Structure and Governance

One of several limitations of the WMATA Compact is that it inhibits the input of member jurisdictions. Members of the WMATA Board of Directors are appointed from the three jurisdictions and the three jurisdictions contribute funds to WMATA through the Compact. As such, Maryland, Virginia, and the District of Columbia themselves should hold greater control over the discharge of the roles and responsibilities of WMATA. To this end, the WMATA structure and governance should be evaluated to optimize the role of the Board, as well as the relationship and authority that Maryland, Virginia, and Washington, D.C. could have in the role of WMATA. Each may well benefit from direct representation on the WMATA Board of Directors so long as they contribute funds to WMATA through the Compact or other means.

The jurisdictions will be undertaking this evaluation in the near future, and will follow up this White Paper with actions that should be taken by the three jurisdictions as a region, or individually as the District of Columbia, the State of Maryland, or the Commonwealth of Virginia. Whatever the three jurisdictions do together or individually, they will work together to optimize their role in improving the delivery of transit services from WMATA to the citizens of the Washington metropolitan area.

[25] Adopting procurement and personnel standards in this way would address FTA Audit Finding # 3.
[26] Setting Director and staff competencies in this way would address FTA Audit Finding # 2.

APPENDIX A

FTA Audit Findings Addressed by Recommended Reforms

	FTA Audit Finding #1	FTA Audit Finding #2	FTA Audit Finding #3	FTA Audit Finding #4
PHASE ONE: INTERIM TOC OVERSIGHT PROGRAM	✓	✓	✓	✓
• **TOC Policy Committee**	✓		✓	✓
• **Providing the TOC Chair with Additional Executive Authority**			✓	
• **Requiring the Chair to be Full Time Staff and Extending the Terms of the Chair and Vice Chair**			✓	
• **Monthly Reporting and Performance Reviews**		✓		✓
PHASE TWO: FEDERAL OVERSIGHT OF WMATA SAFETY				
PHASE TWO: METRO SAFETY COMMISSION	✓	✓	✓	✓
• **MSC Board Membership**	✓		✓	✓
• **MSC Program Director**	✓	✓	✓	
• **MSC Staff**	✓	✓	✓	
• **Legal Independence**	✓		✓	✓
• **Funding**	✓		✓	
• **MSC Pilot Program**	✓	✓	✓	✓
RESOURCES				
• **Full Funding of Program Needs**	✓		✓	
• **Independent Headquarters**	✓		✓	
• **Communications**	✓			
• **Personnel and Procurement Standards**			✓	
EXPERTISE, EXPERIENCE, AND TRAINING				
• **Director and Staff**		✓		
• **Consultant**	✓	✓		
• **Training and Certifications**	✓	✓		
OVERSIGHT PROGRAM ACTIVITIES				
• **Program Standards and Procedures**			✓	✓
• **Frequent and Meaningful Interactions with WMATA Leadership**				✓