

**TRI-STATE OVERSIGHT COMMITTEE MONTHLY MEETING MINUTES
FINAL MINUTES**

Wednesday, September 9, 2009

Virginia Department of Rail and Public Transportation

6363 Walker Lane, Alexandria, Virginia

Call-In-Number: [REDACTED]

Attendees:

Name	Agency	Phone	Email
Eric Madison	TOC/DDOT/MTA	[REDACTED]	[REDACTED]
Matt Bassett	TOC/DRPT	[REDACTED]	[REDACTED]
Eloy Recio	TOC/DRPT	[REDACTED] (via teleconference)	[REDACTED]
Emile Smith	TOC/DDOT	[REDACTED]	[REDACTED]
George Good	TOC/MDOT	[REDACTED]	[REDACTED]
Bernadette Bridges	TOC/MTA	[REDACTED]	[REDACTED]
Kevin Page	TOC/DRPT	[REDACTED] (via teleconference)	[REDACTED]
David Harlan	TOC/DRPT	[REDACTED]	[REDACTED]
Darren McCoy	WMATA – SAFE	[REDACTED]	[REDACTED]
Dorsey Adams	WMATA – SAFE	[REDACTED]	[REDACTED]
Lt. Jennifer Donald	WMATA -MTPD	[REDACTED]	[REDACTED]
Robert Kogan	TRA/TOC	[REDACTED]	[REDACTED]
Tom Luglio	TRA/TOC	[REDACTED] (via teleconference)	[REDACTED]
Brian Glenn	FTA	[REDACTED] (via teleconference)	[REDACTED]

First Segment (10:00 to 10:15) TOC Only

1. Open TOC-Only Issues (Funding Status)
 - a. **[Input to be provided by TOC.]**
2. Planning for next TOC consultant procurement
 - a. **[Input to be provided by TOC.]**

Second Segment (10:15 to 11:15) TOC & TRA Only

1. Approve July Meeting Minutes.
 - a. TOC approved the minutes from the July meeting. A finalized version of those minutes will be transmitted.
2. Open Accident/Incident Investigations and Approvals

- i. During a TOC-only teleconference on August 26, 2009, TOC formally adopted the following investigation reports: **160, 165, 193, 194, 195, 196, 198, 200**
 - b. Review TRA July HIRM Comments: The group discussed the HIRM comments prepared by TRA. 090811 was discussed. Eric Madison described a phone conversation with Ron Edwards regarding this occurrence, which took place August 18th, where a Train Operator reported his train failed to stop with a train directly ahead. It was not clear whether this was a violation of a signal block, similar to the circumstances of the 6/22 accident. The group agreed to discuss the incident with WMATA upon their arrival at the meeting (**see item ???? below**).
3. Assess Correspondence Progress
 - a. MetroRiders request (not discussed)
4. Open FOIA Requests and Media Inquiries
 - a. Per Matt Bassett, The Washington Post has asked for TOC's letter to WMATA regarding the "bellying" issue. TOC and counsel have determined this letter to be privileged as it is part of the ongoing NTSB investigation into the 6/22 collision, according to TOC discussions with Ed Dobranetski.
 - b. The group discussed the draft "bellying" letter that the TOC has not yet sent to WMATA. **Action Item: Matt Bassett will revise the letter with work with TOC members to finalize and transmit to WMATA ASAP. [Letter sent by Eric Madison to Alexa Dupigny Samuels 9/16/09].**
 - c. Matt stated that DRPT has provided The Washington Post with a redacted copy of the 2007 Triennial Review, completed Friday September 4th.
 - d. TOC Information Request Policy – Status. Eric discussed the information request policy with Diana Jordan (DDOT FOIA Officer) and the DDOT General Counsel's Office. It was decided that since TOC is not a legal entity, state/district law supersedes any internal TOC policy. All FOIA requests in VA will be handled by Jennifer Pickett. To the extent VA receives FOIA requests, it will take reasonable steps to work with the other TOC jurisdictions, but must ultimately adhere to VA law.
 - e. Matt Bassett proposed, and the group agreed, to set up a conference call between the VA, DC, and MD FOIA officers. **Action Item: Matt Bassett to facilitate a meeting between the FOIA officers.**
5. Policy-Level Update and Progress
 - a. Eric participated in a conference call with the General Counsel from the different jurisdictions, regarding a letter they are assembling to the FTA regarding how the three jurisdictions will be working together to strengthen the SSO program. Prior to the call, Eric and Emile Smith had made suggestions to Gabe Klein (DDOT Director) regarding the TOC. **Action Item: Matt Bassett will confirm whether such a letter was ever sent to FTA, and if so will provide a copy to the rest of the TOC and TRA.**
 - b. George Good stated that the new Deputy Secretary for MDOT (name???) has ideas about how to improve the TOC.
 - c. Eric discussed the idea of TOC reporting to the WMATA board. The group discussed the need to be careful not to "step on toes" of the GM in reporting to the board, or "blaming" any department or individual for outstanding issues. Additionally, the group discussed the types of issues that could potentially be brought before the WMATA board.
6. Status of TOC Website
 - a. Eric stated that DDOT has established a website for TOC within the larger DDOT website. The url is: <http://ddot.dc.gov/ddot/cwp/view,a,1250,q,647545.asp>.

Action Item: Eric Madison will transmit url information of the TOC website to TOC, WMATA, etc.

7. Review comments on 2009 WMATA Internal Safety Audit Annual Report, Approve
 - a. TOC discussed the status of its comments on the 2009 WMATA Internal Safety Audit Annual Report. TRA provided its latest comments on the ISA Annual Report on 7-7-09, and the ISecA Annual Report 7-8-09. As of this meeting TOC has not yet reviewed and transmitted these comments to WMATA. **Action Item: All TOC members will provide comments on TRA's draft ISA and ISecA Annual Report comments by Friday 9/11/09. TOC will review, finalize, and transmit the comments on the ISA and ISecA Annual Reports to WMATA ASAP.**
8. Review comments on SEPP, approve/forward to WMATA
 - a. Matt discussed the comments TRA prepared on the SEPP. Matt suggested some changes to the comments. **Action Item: All TOC members will provide comments on TRA's draft SEPP comments by Friday 9/11/09. TOC will review, finalize, and transmit the comments on the SEPP to WMATA ASAP.**
9. Status of Open FTA Audit Findings
 - a. Tom discussed how FTA wants TOC to report quarterly on WMATA submissions. Current WMATA open deviverables include: The ISecA Procedures, the SSPP update, ISecA Report information (March 2009 BASE Review), the incremental report from its April ISA, and and update of their Accident Investigation Procedures. TOC also needs 2009 ISA and ISecA schedules, and quarterly accident/incident investigation status. FTA has also asked for monthly updates on CAPs, but Matt argued that these should not be provided. **Action Item: Matt will work with WMATA to obtain a final ISecA Report indicating that the BASE review has satisfied the ISecA requirements.**
10. TOC Open Meeting Policy
 - a. It has been determined by TOC and its respective jurisdiction counsel that there is no legal requirement for the TOC meetings to be open to the public. Thus TOC will not be opening its meetings to the press or the general public.
11. Update on RWP Discussions with WMATA
 - a. The group discussed the need for access to the WMATA ROW (given appropriate training and being escorted by authorized WMATA personnel). TOC will discuss this issue with WMATA SAFE upon their arrival at this meeting. **(See ???? below).**
12. TOC Participation in FTA SSO Annual Meeting
 - a. Many of the TOC members plan to attend the FTA SSO Annual Meeting. Scheduled for the week of September 21, 2009.

Third Segment (11:15 to 12:00) Including WMATA, FTA, NTSB

1. Monthly Safety Initiatives.
 - a. Dorsey Adams discussed the monthly safety initiatives, including Safety Conversations, and the Return to Work program.
2. Discussion of 6/22/09 Red Line Collision Investigation/Updates
 - a. WMATA did not have any updates at the time of this meeting. According to Dorsey Adams, NTSB is still collecting data.
 - b. Matt Bassett discussed the media attention directed at the TOC. **Action Item: TOC will take reasonable steps to inform WMATA of media inquiries, as appropriate.**
3. Recent Incidents since 7/8/09

- a. During the TOC/TRA portion of this meeting, TOC formally adopted the following accidents and incidents: 160, 165, 193, 194, 195, 196, 198, 200. **Action Item: TOC will update the accident/incident matrix and provide to WMATA.**
 - b. Other open incidents including August fatality
 - i. Dorsey Adams requested an extension on the investigation report surrounding the 8/9/09 worker fatality near Vienna. TOC granted the extension. According to WMATA, the Accident Subcommittee is reviewing the final draft investigation report.
 - ii. Lt. Jennifer Donald provided hard copies of MTPD reports of recent security incidents. **Action Item: Lt. Donald will send TOC electronic versions of the reports provided in hard copy during the meeting.**
 1. **Action Item: TOC will review the reports provided by MTPD provided at the 9-9 meeting and take appropriate action.**
4. Hazard Update
- a. Discussion of the most recent TOC HIRM comments. TOC provided a hard copy of the HIRM comments to Darren McCoy. **Action Item: TOC will provide an electronic copy of the HIRM comments to Darren McCoy.** TOC discussed recent hazardous conditions, including a large number of station overruns that were included in the September HIRM for FY 2010. Darren McCoy indicated that, rather than the number of such incidents increasing, WMATA had instead only recently begun to include such incidents on the HIRM. TOC asked that WMATA continue to track and monitor such incidents through the Hazard Management process.
 - b. Discussion of 8-18-08 incident. **Action Item: Dorsey Adams will investigate whether there was a block violation, and if so, immediately notify the TOC.**
 - c. Matt Basset discussed the need for TOC to get a response from WMATA to the 4/29/09 letter (regarding the 3/2/09 ATP failure at Potomac Avenue). **Action Item: WMATA will provide TOC with a formal response to TOC's 4/29/09 letter ASAP.**
5. Overview of 8/5/09 and 9/8/09 CAPTURE Progress, Recommendations
- a. Matt Bassett summarized the CAPTURE meeting results from 9-8-09. **At this time the TOC is closing the following CAPs from the 9-8-09 CAPTURE meeting: MOW 20, Triennial #35, 50, 57, 58, and 60.**
 - b. The following CAPs presented by WMATA at the CAPTURE meeting are unable to be closed by TOC at this time, until WMATA provides additional requested information: Triennial #51, 52, and 62.
 - c. Darren McCoy asked about the status of the CAPs discussed during the August CAPTURE meeting 8-5-09. At the time of the meeting, TOC did not have the list of CAPs recommended for closure. **[As of the development of these meeting minutes, it has been determined that those CAPs closed by TOC based on documentation provided by WMATA at the 8-5-08 CAPTURE meeting include the following:]**
 - i. **Master CAPs: WR3, WR6, I-4, APTA 18, NTSB 3, Derail 6, Derail 7**
 - ii. **Triennial CAPs: 3, 5, 7, 43**
6. WMATA overdue deliverables to TOC
- a. Internal Security Audit Procedures. TOC discussed the need for WMATA to provide updated ISecA procedures that reflect current practice.
 - b. SSPP update. **Action Item: Dorsey Adams and Darren McCoy will provide TOC with a timeframe in which the SSPP will be provided to TOC, ASAP.**
 - c. 3/3 to 3/5/09 Internal Security Audit Report additional information
 - i. Lt. Donald provided Rob Kogan with an electronic copy of CAPs information from the ISecA. **Action Item: Rob Kogan will coordinate**

TRA's review of the material provided, and will transmit it to TOC for their review.

- d. 4/20 to 4/24/09 Internal Safety Audit Incremental Report
 - i. **Action item: WMATA will provide the ISA Incremental Report (originally due on 5/24/09) to TOC ASAP.**
- e. Revised Accident Investigation Procedures/TOC Comments on P/I
 - i. **Action Item: WMATA will provide a response to TOC's comments on the draft WMATA Incident and Injury Investigation P/I ASAP.**
7. Update on WMATA Organizational Changes
 - a. Per Dorsey Adams and Darren McCoy, the WMATA Chief Safety Officer is now a direct report to the WMATA GM. No explanation could be provided why TOC was not notified of this change when it occurred.
 - b. Ronald Edwards has resigned as Manager of Rail Safety. Ann Murtha Schallhorn is WMATA's new "Corporate Safety Officer," a new position. Per Dorsey Adams, Ms. Schallhorn's responsibilities are not yet fully defined. **Action Item: The new organization shall be fully described in the updated SSPP (which was due on 5/29/09) including an updated organizational chart and a complete narrative description the TOC-related functions.**
 - c. **Action Item: WMATA shall immediately formally notify TOC of any changes to points of contact, and any organizational changes affecting safety and security functions.**
8. TOC ID Cards
 - a. MTPD requested that TOC provide it with an electronic version of the TOC ID card for verification. **Action Item: TRA will provide MTPD with the TOC ID template [TRA completed 9-16-09].**
9. Discussion of WMATA/TOC Public Information Practices
 - a. TOC relayed its response to the 8/6/09 letter from WMATA's general counsel regarding the release of information. TOC sent a formal letter response to WMATA on ???. **[At this time it is not clear when this letter was sent – input to be provided by TOC]**
10. Status of WMATA MSRPH Revisions
 - a. According to Dorsey Adams, 4 sections are complete. **Action Item: Dorsey Adams will forward an update on the WMATA MSRPH from Orange/Blue Line Director Charlie Dziduch.**
11. Other discussion
 - a. The group discussed the latest status of TOC access to the WMATA ROW. TOC had initiated a review of WMATA RWP policies and procedures as a follow up to a Finding from the 2007 Triennial Review. However, WMATA will not permit TOC members to access the WMATA ROW during revenue service to observe compliance with RWP rules and procedures by operations and maintenance employees, despite TOC members having received the ROW training class, as WMATA considers TOC to be "contractors" and thus subject to SOP #33 (as stated in a letter sent 5/28/09). TOC does not accept WMATA's conclusions. This was expressed to the WMATA representatives present at the meeting. **Action Item: TOC will elevate this issue as needed, if unable to reach agreement with WMATA on ROW access.**
 - b. **Action Item: TOC will add Ann Murtha Schallhorn and Dorsey Adams (from WMATA SAFE) to all TOC-related correspondence. TOC will also add Lainey Weaver (sp?) and Peter Laporte (sp?) (WMATA Emergency Management) to all TOC-related correspondence to WMATA.**
 - c. **Action Item: WMATA will provide full contact information for all new TOC-related employees.**

- d. **Action Item: TRA will update its contact list to reflect recent changes and additions as soon as the information is provided by WMATA.**
12. Next monthly TOC-WMATA meeting to be held 10/14/09 @ Location TBD.

Meeting Adjourned.