

**TRI-STATE OVERSIGHT COMMITTEE  
RESPONSE TO  
FTA TOC SSO AUDIT FINDINGS Nos. 1-11  
MAY 3, 2010**

**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.*

**Actions Required for Closeout:**

- *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.*
- *Submit the completed resource analysis to FTA.*
- *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.*

For fiscal year 2010, the three jurisdictions each contributed \$150,000 in the beginning of the fiscal year and contributed an additional supplemental \$122,667 required for external technical support through June 30, 2010. Moving forward, based on analysis of required oversight program activities, and in accordance of policy discussions between the three member jurisdictions, the jurisdictions will allocate \$268,294 each to the oversight program on an annual basis. Maryland and the District of Columbia will also increase the level of personnel effort devoted to the oversight program through the appointment of one full-time TOC member and one part-time TOC member while Virginia will continue to devote internal personnel resources to the oversight program of one full-time appointed TOC member, and one part-time TOC member.

The SSO-related functions anticipated by TOC over the next three years include:

- A. Improving communications with agency leadership in order to maximize TOC effectiveness through:**
  - Communicating and coordinating with jurisdictional (DC, MD, VA) executives.
  - Proposing changes to the TOC MOU to the jurisdiction executives.
  - Responding to inquiries of external agencies including Congress, FTA, TSA, and GAO.
  
- B. Updating and improving policies and procedures and standard practices to improve consistency and responsiveness through:**
  - Reviewing and updating the Program Standards and Procedures.
  - Reviewing and updating the Internal TOC Operations Manual
  - Supporting and participating in formal monthly TOC Meetings (Agenda, Meeting, Minutes).
  - Participating in frequent e-mails and periodic teleconferences with TOC members and TOC's Consultant to discuss issues and develop consensus.
  - Maintaining a website to communicate information on TOC and its SSO Program.
  
- C. Focusing on actions to maintain professional competency by:**
  - Attending FTA SSO Annual Meetings and Workshops.
  - Attending FTA-sponsored SSO-related Training Programs.

Facilitating the acquisition and management of TOC's technical support consultant through the Metropolitan Washington Council of Governments (MW-COG).

**D. Communicating effectively with WMATA leadership and the public by:**

Communicating with the WMATA General Manager and Board on WMATA's compliance with TOC's SSO Program.

Responding to media or FOIA requests.

Maintaining a website to communicate information on TOC and its SSO Program.

Attending and participating in, as appropriate, the following periodic external and internal WMATA meetings and events, including:

- a. FTA Quarterly Review
- b. WMATA Subcommittee and full Board
- c. Standing Safety Executive Committee (SSEC)
- d. Standing Safety Subcommittees (SSSCs) ó Rail Department Safety Committee
- e. Labor Management Safety Council
- f. Local (Rail Facilities, 8) Safety Committees
- g. Emergency Preparedness Drills and Exercises

**E. Taking actions to monitor and document WMATA actions through:**

Reviewing and commenting on TOC-required WMATA documents, including

- a. System Safety Program Plan (SSPP)
- b. Security and Emergency Preparedness Plan (SEPP)
- c. Accident Investigation Procedures

Cooperating with the NTSB when they investigate a WMATA accident, i.e. becoming party to the investigation.

Tracking and monitoring WMATA's investigation of reportable accidents on TOC's behalf.

Reviewing and adopting the resulting investigation report as TOC's own.

Monitoring WMATA's implementation of their hazard management program

Monitoring WMATA's implementation of their Internal Safety and Security Audit Programs; and approve their audit schedule, checklists, and resulting incremental and annual reports.

Working with WMATA to assure that their Annual Certification of Compliance with TOC's SSO Program accurately reflects the status and contains appropriate plans to achieve compliance, if it is lacking.

Conducting a Triennial Review of all aspects of WMATA's implementation of their SSPP including preparation (document acquisition and review, development of checklists, detailed schedule of meetings and inspections), on-site review activities, and reporting (preparation of a draft and final report including findings and observations).

Conducting periodical special studies and reviews of topics related to TOC's SSO Program requirements and WMATA compliance, e.g., Assessment the Roadway Worker Protection Program.

Approving Corrective Action Plans (CAPs) proposed by WMATA to address the findings and recommendations resulting from investigations audits and reviews, monitor their implementation, and closed them when verification of their completion is obtained.

Maintaining a CAP tracking spreadsheet.

Monitoring the safety and security aspects of WMATA capital improvement projects including the mitigation of safety hazards and security threats & vulnerabilities through participation on WMATA Safety and Security Certification Review Committee (SSCRC) and similar committees of other major project sponsors, e.g. the Metropolitan Washington Airports Authority (MWAA) which is sponsoring the Dulles Corridor Metrorail Project.

Maintaining an Action Items List of all SSO-related issues related to WMATA, TOC, and TOC's consultant.

Maintaining an electronic and physical log of all relevant TOC, WMATA, consultant, and other correspondence and all TOC SSO-related documentation.

TOC fully intends to go beyond minimum FTA requirements to address weaknesses in the existing program, reduce the backlog of open investigations and CAPs, assure an aggressive hazard management program, monitor the safety and security aspects of capital improvement projects and more thoroughly communicate within the TOC member jurisdictions and between TOC, WMATA, and external organizations. The overarching goals will be transparency, independence, and authority.

The goal is to devote sufficient resources in the near term to work with WMATA's new Executive Leadership Team (ELT) to create a model rail safety and security program befitting the nation's second largest rail transit system. This will require establishing new requirements and protocols, and the mechanisms and processes to assure their effective implementation.

TOC resources required to fulfill this mission will consist of three groups:

- A TOC Policy Committee to provide oversight and direction to their TOC members and collaborate with their peers at the other jurisdictions.
- TOC Members ó Each jurisdiction has committed to providing one full-time and one part-time TOC member, with the option of designating alternate TOC members who can serve varying amounts of time to maintain cognizant of TOC activities and be available to support or temporarily replace the jurisdiction's designated TOC members.
- TOC's Consultant ó Available to provide general management support services on an ongoing basis and specialized technical skill on an on-call basis as directed by TOC.

On April 20, 2010, Mayor Adrian Fenty, Governor Martin O'Malley, and Governor Robert McDonnell announced their commitment to a robust SSO Program overseeing the WMATA Metrorail system. Because urgent action is needed to enhance transit safety on the WMATA Metrorail system, between now and June 30, 2010, the three jurisdictions have pledged to allocate an additional \$368,000 to fund required oversight program activities.

Additionally the three jurisdictions outlined in a White Paper on "Optimizing State Safety Oversight of the WMATA Metrorail System" specific measures to implement in the short- and long-term.<sup>1</sup> The White Paper proposed that the region's WMATA Safety Oversight program be carried out in two phases: (a) Phase One, which would involve creation of a strengthened Interim TOC Oversight Program; and (b) Phase Two, which would involve either federal oversight of WMATA's safety oversight functions or legal creation of a Metro Safety Commission (MSC).<sup>2</sup> In order to provide the resources necessary to implement these measures, the three jurisdictions have pledged to allocate an increased level of personnel and financial resources. Currently, Virginia appoints one of its TOC members to be full-time, and the other member to be part-time, while the District of Columbia and Maryland appoint two part-time TOC members each. Moving forward, all three jurisdictions will appoint at least one full-time TOC member and one part-time TOC member. Separately, the three jurisdictions have committed to allocating a higher level of funding (\$804,882.51 per year) for external technical support to bolster the skills and expertise of the TOC members

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<sup>1</sup> The White Paper is attached to this Response and is available online at <http://ddot.dc.gov/DC/DDOT/On+Your+Street/Mass+Transit+in+DC/Tri-state+Oversight+Committee/Tri-state+Oversight+Committee+-+WMATA+Oversight+-+White+Paper>

<sup>2</sup> White Paper, pp. 3 to 7.

Phase One involves short-term actions that would not require time-consuming procedures or negotiations, including establishing a TOC Policy Committee, providing the TOC Chair with additional executive authority, and implementing monthly reviews and reporting requirements.<sup>3</sup> The White Paper then gives options for phasing out the TOC when a more comprehensive oversight mechanism can be established in Phase Two after a determination is made by the three jurisdictions as to the best method to respond quickly and professionally, as WMATA safety situations arise and require coordinated action.

Phase Two may be shaped by such events as enactment of H.R. 4643 / S. 3015 (the federal Public Transportation Safety Act of 2010), 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.<sup>4</sup> Phase Two would likely entail actions that will take years to complete and is, therefore, outside the scope of a regional commitment to providing resources for it under Finding # 1.

***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.***

**Actions Required for Closeout:**

- *Conduct an evaluation of the technical and professional skills TOC members need to effectively carry out their oversight duties.*
- *Provide FTA with a copy of the evaluation results. This must: (1) Identify the training needed by each TOC member; and (2) Provide a schedule of when needed training will be received by each TOC member.*
- *Provide FTA with documentation verifying that training has been received by each TOC member as determined necessary to carry out their TOC responsibilities.*

TOC concurs with this finding. Based upon the responsibilities inherent in TOC's SSO role and TOC's experience with oversight of WMATA since its inception in 1997, the three jurisdictions that comprise the TOC have determined that TOC representatives should have strengthened technical and professional skills in order to effectively perform their oversight duties. In order to increase the technical proficiency of the appointed TOC members, the three jurisdictions have determined that all shall receive, at a minimum, a U.S. D.O.T. certificate in the Transit Safety and Security Program. This certificate requires that all TOC members complete the following four classes offered by the Transportation Safety Institute (TSI) within a three-year timeframe:

- Transit Rail System Safety (FT00439/FT00453)
- Transit Rail System Security (FT00432)
- Effectively Managing Transit Emergencies (FT00456)
- Transit Rail Incident Investigation (FT00430) or Advanced Rail Incident Investigation (FT00461)

Some, but not all appointed TOC members have successfully completed this certification program. In order to expedite certification in the Transit Safety and Security Program, TOC members who do not

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<sup>3</sup> White Paper, pp. 4 to 5.

<sup>4</sup> White Paper, p. 4.

already possess this certification will be required to complete these courses as soon as practicable. TOC will determine which appointed members will need to complete various portions of the certification program, and will provide a general schedule of training, as well as documentation of successful completion, to FTA. The alternate member representatives of the TOC will also be subject to the above referenced training requirements if they transition to serving as TOC members.

In addition to the Transit Safety and Security Program, TOC members who have at least five (5) years of safety experience in the rail transit industry will be encouraged to obtain the World Safety Organization (WSO) Certified Safety Specialist (CSS-Rail) classification. This certification will require TOC members to take of the following additional TSI courses:

- Transit System Safety (FT00464), or,
- Transit Industrial Safety Management (FT00457)

Such training and certification also conforms with actions outlined in the White Paper that describe (a) the technical and professional skills that Phase One and Two safety oversight staff and representatives need to effectively carry out their oversight duties, and (b) processes that would enable regular evaluations of such needed skills and competencies. The White Paper provides that under Phase One, the TOC would be required to report on a monthly basis to member entities in the TOC Policy Committee, its jurisdictions and the WMATA board.<sup>5</sup> It is not possible to determine whether, under Phase Two, having the FTA, alone or as a partner with the three jurisdictions, be more involved in the safety oversight functions of the WMATA rail transit system addresses Findings # 2, 3, and 4. This is because the level of federal involvement is not yet known and subject to variables such as federal statutes and regulations.

The White Paper also provides that the MSC Director should, at minimum, 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.<sup>6</sup> In addition, 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.<sup>7</sup> The White Paper further provides that any Phase One and Two safety oversight program over the WMATA Metrorail system should, at minimum, establish minimum levels of experience and expertise for safety oversight program staff, whether they are State or Federal employees.<sup>8</sup> 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.<sup>9</sup> In addition, the White Paper provides that 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.<sup>10</sup>

***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.***

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<sup>6</sup> White Paper, p. 7.

<sup>7</sup> White Paper, p. 7.

<sup>8</sup> White Paper, p. 9.

<sup>9</sup> White Paper, p. 9.

<sup>10</sup> White Paper, p. 9.

### **Actions Required for Closeout:**

- *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.*
- *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.*

The TOC concurs with this Finding and believes that it must develop and implement appropriate mechanisms to address real-time and post incident WMATA safety situations. While TOC members currently respond real-time to virtually all safety-critical situations on the WMATA Metrorail system, additional authority to take appropriate actions and ensure adequate responses from WMATA are clearly necessary.

Under the current TOC Program Standards and Procedures, and in accordance with 49 CFR Part 659, the TOC reserves the right to conduct accident / hazardous conditions itself, deputize WMATA to do so on its behalf, and/ or participate in a WMATA investigation undertaken on behalf of the TOC. No final investigation report can be issued or adopted absent approval of the TOC regardless of the party conducting the investigation.

The role of the TOC in exercising its oversight jurisdiction in terms of requiring specific actions during or immediately after an incident is less clear in the TOC Standards and Procedures and in the MOU. While nothing currently prohibits the TOC from making command decisions during a specific safety situation, or immediately subsequent to it, there is no formal process identified for the TOC in this area

In order to address this issue, the TOC, with the direction and concurrence of its jurisdictional policy leadership, will be implementing the following actions:

- The TOC Program Standards and Procedures will be revised in order to outline the duties and responsibilities of TOC members in responding to significant WMATA safety incidents. This will include the requirement that a TOC member respond to the scene, participate in the investigation, determine if oversight related command decisions are necessary, and decide if other actions are required.
- In addition to on the scene issues, the Program Standards and Procedures will be revised to define how the TOC will interact with WMATA in the post-incident environment. This may be necessary in those situations where an oversight related decision is necessary and appropriate or where the TOC takes issue with decisions made by WMATA. It is expected that the updates to the TOC Program Standards and Procedures will be implemented by October 1, 2010.
- The TOC MOU will be updated (this will occur in conjunction with other revisions necessary based upon the White Paper) to reflect that the TOC has the authority to take actions during safety critical situations, based upon the totality of the circumstances and its oversight responsibilities. It is expected that the revisions to the TOC MOU will be drafted and approved by the three jurisdictions by October 1, 2010.

It is worth noting that in the most recent amendment to the TOC MOU dated December, 2009, that the TOC reserved the right to draft and issue rules and standard operating procedures for the WMATA Metrorail system. As such, the actions noted in response to this Finding are in general conformance with the TOC's overall enhanced approach to oversight.

**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.** (See WMATA Recommendation # 4)

**Actions Required for Closeout:**

- 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.

TOC concurs with this finding, and agrees that there should be a formal mechanism in place to ensure that safety concerns are elevated appropriately. Accordingly, TOC policy leaders have been meeting over the past two months to bolster the policy framework of TOC and its oversight program. An important consideration has been the need to more effectively assure that critical issues identified by TOC become known to the TOC jurisdiction executives; that the executives have an ongoing forum for collaboration; and that they can advocate for the TOC to the executive and policy leadership of WMATA. The results of these deliberations have been:

- Development of an action plan (White Paper, see attached) which has been approved and adopted by the Governors of Maryland and Virginia and the Mayor of the District of Columbia; and
- Frequent and meaningful meetings between TOC members, the TOC Policy leadership at the jurisdictions transportation agencies, and WMATA with a focus on transparency, independence, and authority.

Several steps have already been initiated and will be institutionalized to become regular events and processes. These include:

- Regular meetings between the appointed TOC members and their jurisdictional policy leadership to report on safety concerns;
- Regular meetings between the appointed TOC members and the WMATA Board of Directors to highlight safety concerns and other safety program issues;
- Regular meetings between the appointed TOC members and the WMATA General Manager to discuss current TOC oversight activities, safety concerns, and other safety program issues;
- Ongoing TOC participation in the WMATA Senior Safety Executive Committee (SSEC), which meets on a monthly basis; and
- Frequent communications between TOC members and members of WMATA's Executive Leadership Team (ELT), especially the Chief Safety Officer and Chief of the Metro Transit Police Department (MTPD).

With the support of the policymakers from the three jurisdictions and the communications links being forged at all levels between TOC and WMATA, TOC believes that there will be several effective mechanisms to air and resolve unresolved safety or security issues identified by the TOC. In order to formalize these mechanisms, TOC will revise its Program Standards and Procedures to reflect these new forums, and will submit the revised Program Standards and Procedures to FTA.

**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 identified by TOC and by FTA in this audit report.** (See WMATA Recommendation #1).

**Actions Required for Closeout**

- 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.
- 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.
- Provide FTA with a copy of the fully reviewed and revised Safety Rules and Procedures Manual.
- 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).

Currently, WMATA's Safety Rules and Procedures Manual consists of the following as provided by WMATA to FTA as part of their documentation submittal in advance of the December 14-17, 2009 TOC SSO Audit:

### WMATA Safety Rules and Procedures Manual Outline

Sect'n #	Title	Issue Date
<b>1.0</b>	<b>Industrial Safety Rules - Reserved</b>	
<b>2.0</b>	<b>System Safety Procedures</b>	
2.1/0	Hazard Identification/Resolution Matrix (10 pages with appendices)	5/1/97
2.2/0	Safety Certification Procedures (10 pages)	6/1/97
2.3/0	Internal Safety Audit Process (5 pages)	1/27/98
<b>3.0</b>	<b>Fire Life Safety Procedures (4 defined, but 0 provided)</b>	
3.1/0	Acquisition, Storage and Handling of Flammable Chemicals	
3.2/0	Emergency Building Evacuation Procedure	
3.3/0	Establishment of Hazardous No Smoking Areas	
3.4/0	Compliance with Codes for Applicable WMATA Facilities	
<b>4.0</b>	<b>Industrial Safety and Health Procedures</b>	
4.1/0	Industrial Safety and Health Inspections/Audits (not provided)	
4.2/0	Hazard Communication Program (11 pages)	7/10/98
4.3/0	Bloodborne Pathogen Exposure Control Plan (3 pages)	6/26/98
4.4/0	Confined Space Entry procedures (17 pages with an appendix)	3/8/99
4.5/0	Respiratory Protection Program (not provided)	
4/6/0	Hearing Conservation Program (not provided)	
<b>5.0</b>	<b>Environmental Management Procedures</b>	
5.1	Environmental Management Policy Manual (not provided)	
<b>6.0</b>	<b>Internal Safety Department Procedures</b>	
6.1	SAFE Emergency Response Procedures	3/24/00

These procedures are very dated and many appear to not exist. An example of an apparent obsolete procedure is 2.2/0, Safety Certification written in 1997. WMATA has a Safety and Security Certification Program Plan (SSCPP) dated October 2007, which appears to supersede 2.2/0. Internal Safety Audit



Procedure 2.3/2 is more than a decade out of date. It was last updated by WMATA and approved by TOC on September 5, 2008.

WMATA also has Policy/Instructions (some of which are referenced in the SSPP) that appear to address similar topics as those listed in the above table:

- P/I 1.11/0, Notification of CEO and Board
- Procedure 2.4/1, Accident, Incident, and Hazard Investigation, for which TOC is reviewing WMATA's latest changes (in response to TOC's previous comments)
- P/I 4.10/2, Configuration Control Management
- P/I 4.14/1, Design Control Board
- P/I 10.2/1, Standing Safety Committees, last approved on 4/20/2004, which defines seven subcommittees
- P/I 10.4/0, Incident Investigation, on which TOC provided review and comments.

On or before June 30, 2010, TOC will meet with SAFE to review the WMATA Safety Rules and Procedures Manual, and all of the referenced safety-related plans, procedures, policy/instructions, and similar documents. WMATA has indicated that the update of the WMATA Safety Rules and Procedures Manual (along with the SSPP) will be assigned to an outside contractor as part of a larger independent assessment of WMATA's safety program and hazard management program. The Statement of Work (SOW) for this contractor has been completed, and will include (but not be limited to) a determination of the resources required to complete all of the activities described in the SSPP, the WMATA Safety Rules and Procedures Manual, and referenced documentation. TOC will issue specific guidance requiring WMATA to improve the configuration management and accessibility of the WMATA Safety Rules and Procedures Manual and referenced documents. These documents also need to be accurately referenced in the SSPP, and updated to reflect the latest TOC and WMATA requirements defined in the SSPP. TOC will share the minutes of the aforementioned meeting with FTA as part of our regularly-scheduled audit submittals.

**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.**

#### **Actions Required for Closeout**

- *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.*
- *Provide FTA with a copy of the Internal Safety Audit Recovery Plan developed by WMATA.*
- *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).*

After review of WMATA's 2009 Internal Safety Audit (ISA) Annual Report TOC made the following statement:

- *“All of the Elements of the SSPP scheduled to be audited in 2009 were completed, albeit in December and not throughout the year. WMATA’s recovery was noteworthy, and was indicative of the new spirit and attitude introduced by Michael Taborn as the Acting Chief Safety Officer.*
- *While three very experienced APTA auditors conducted the ISA’s in a thorough and effective manner, WMATA’s SAFE staff accompanied them and may be more capable of conducting ISAs themselves in the future. Over time, WMATA should strive to conduct ISAs themselves as a way for SAFE to establish a more effective working relationship with the other WMATA departments.*
- *Elements 1, 2, and 19 were found to be in full compliance.*
- *Elements 3 and 11 had a total of three areas on non-compliance and Corrective Action Plans (CAPs) have been developed.*
- *Elements 14 (Facilities and Equipment Inspections) and 16 (Training and Certification Program) had 7 and 11 areas of non-compliance, respectively. CAPs are to be developed and submitted to TOC by 4/1/10.*
- *With the ISAs conducted in 2009, WMATA completed an ISA of all 21 Elements of the SSPP over a three-year period, as required.*
- *WMATA’s 3-Year Schedule for conducting ISAs in 2010, 2011, and 2012 is fully compliant with TOC requirements.*

*Based on the information provided by WMATA in your 2009 ISA Annual Report, it is hereby approved by TOC.”*

For the 2010 ISA’s schedule to be conducted in May and October, TOC will be encouraging WMATA to conduct them with their own staff and not to rely on APTA’s resources. Following FTA’s recommendation, before WMATA’s May 2010 ISAs, TOC will have a meeting with the WMATA ELT, SAFE, and the Quality Department to define the expectations for an improved ISA Program. This will include stressing the need for WMATA to follow their TOC-approved ISA Procedures, and to use internal WMATA resources and not external resources such as APTA, as has been done in recent years. Since WMATA has ISAs scheduled for May, as part of their month-in-advance notification and submission of checklists, they should demonstrate compliance with their Procedures and conduct the audits with its own staff. TOC plans to closely monitor the ISAs and is available to WMATA for technical assistance and advice. TOC will also approve the proposed CAPs and monitor their implementation.

On or before May 15<sup>th</sup>, 2010, TOC will transmit correspondence to WMATA providing specific guidance on the implementation of their three-year internal audit cycle, and directing WMATA to provide, on or before August 30<sup>th</sup>, 2010, an Internal Audit Recovery Report. TOC will provide WMATA with a format for the Recovery Report. This report will identify strengths and weaknesses of internal safety audits conducted during 2010, and afford WMATA and TOC the opportunity to make “course corrections” to this process. TOC will work with WMATA’s independent safety assessment contractor to ensure that the review and update of ISA checklists and procedures that are conducted as part of the larger independent safety assessment are completed in accordance with TOC requirements. TOC will also direct WMATA to provide periodic Recovery Reports as necessary throughout the upcoming three-year audit cycle.

**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.**

**Actions Required for Closeout**

- *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.*
- *Provide FTA with a copy of the Accident Investigation Recovery Plan developed by WMATA.*
- *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).*

TOC has worked closely with WMATA in recent months to address open accident investigations, and has made substantial progress in addressing this finding. However, due to the considerable number of remaining open accident investigations, TOC will work directly with WMATA to develop a recovery plan to complete all open accident investigations in accordance with the TOC Program Standard and Procedures, WMATA's SSPP, and WMATA's Accident Investigation Procedures.

WMATA's recovery plan will need to address each of the following issues:

- There is a large backlog of open investigations for which WMATA has not provided TOC with any reports, status updates, or other information. WMATA has up to this point deemed some of these investigations to be "closed" due to completion of internal investigative activities; however TOC cannot consider such investigations to be closed if they do not meet TOC requirements. TOC recognizes that due to staff turnover in the Safety Department and elsewhere throughout WMATA, it may be difficult to uncover the information TOC needs to formally adopt an investigation report. In such cases, WMATA will need to ensure that all reasonable steps have been taken to obtain the required information before attempting to justify a closure to TOC.
- There is a backlog of open investigations for which WMATA has provided TOC with an investigation report; however, for various reasons, TOC has been unable to formally adopt these reports, and has provided comments to WMATA. If WMATA has not provided a revised report to TOC, TOC consider such an investigation to remain open.
- WMATA has experienced issues in developing investigation reports that provide all of the information required by TOC (as well as by WMATA's own SSPP and Accident Investigation Procedures), including a description of investigative activities, indication of probable causes, and corrective actions. WMATA has begun to provide TOC with "Incident Fact Reports" that, though they provide space for indication of all of the required information, vary widely in quality and quantity of information provided, dependent upon who is preparing the report. TOC will review the language in Section 9 of the Program Standard and Procedures and may seek to clarify the specific report content requirements so that WMATA will have a clearer understanding of TOC's requirements and will be able to provide more complete reporting materials on a consistent basis.
- WMATA has experienced issues in providing reports and status updates according to the timelines established by the TOC Program Standard and Procedures. TOC will review these timelines, and work with WMATA to potentially revise the requirements set forth in the TOC Program Standard and Procedures to ensure that the timelines contained therein reflect WMATA's capabilities to conduct these activities, all while remaining compliant with TOC and FTA notification and reporting requirements. In the recovery plan, WMATA will need to describe the steps it will take to ensure that Safety Department personnel and others responsible for the investigation of accidents and incidents understand that TOC's notification and reporting requirements are central to the accident investigation process.
- There has been a lack of coordination between the WMATA Safety Department and other departments responsible for investigating accidents and developing reports. As such, since the Safety

Department is primarily responsible for interfacing with TOC, it has been difficult for TOC to receive all of the required documentation for a complete investigation report from the various operating departments if the Safety Department is having similar difficulties in receiving this information. As part of the recovery plan, WMATA will need to detail the actions it will take to strengthen the processes and procedures that guide investigations to ensure that the Safety Department is involved at every step.

In its recovery plan, WMATA will need to identify how it will address each of the above-described issues, which personnel (from both the Safety department and other pertinent departments) will be responsible for implementing the proposed response, and a target date of completion to be approved by TOC.

TOC will issue correspondence to WMATA no later than May 15, 2010, requiring WMATA to develop a recovery plan that addresses the above-noted issues. The correspondence will require a response that includes the above-mentioned recovery plan from WMATA no later than June 30, 2010. TOC will submit the noted correspondence as well as WMATA's response and recovery plan to FTA.

**Finding #8. Document the Corrective Action Plan Technical Review process in TOC's Program Standard and Procedures and WMATA's System Safety Program Plan.**

**Actions Required for Closeout**

- *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.*
- *Provide FTA with a copy of TOC's final revised Program Standard documenting the Corrective Action Plan Technical Review Process.*
- *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.*

TOC will review the language on CAPs that is contained in the TOC Program Standard and Procedures and WMATA's SSPP, and work with WMATA to revise as necessary to have full compliance with the SSO Rule, 49 CFR Part 659, FTA guidance, and a process that TOC will develop with WMATA to assure a compliant CAP implementation program. TOC will also review its procedures for approving, documenting, tracking, and closing CAPs with the goal of minimizing the number of CAPs that are open and the time to close CAPs. When CAPs are defined that take a long time to implement, alternatives will be explored to reduce any hazardous conditions while the CAP is being advanced.

This will often include the use of operational solutions such as changes in rules and procedures, inspections and monitoring, and training while a capital project is being planned, programmed, and implemented.

TOC will submit the revised Program Standard and Procedures to FTA no later than August 30, 2010, and ensure that WMATA's revised System Safety Program Plan reflects TOC's updated CAP technical review process.

**Finding #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.**

### **Actions Required for Closeout**

- *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.*
- *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.*
- *Ensure WMATA revises its SSPP to accurately reflect and document the process developed by TOC and WMATA to evaluate CAP alternatives.*
- *Provide FTA with a copy of WMATA's final revised and approved System Safety Program Plan, documenting the Corrective Action Plan Technical Review Process.*
- *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.*

As described in the previous finding, TOC will encourage WMATA to examine a full range of CAPs to address findings of non-compliance from audits and recommendations resulting from investigations. While WMATA should promptly implement any action to address an immediate hazardous situation without needing to consult TOC, a more rigorous analysis should be conducted to find the most effective solution. This may require a capital project that takes a lengthy period of time for planning, programming, and implementation. In the period of time prior to the implementation of the optimal solution, more operational strategies may need to be considered such as more frequent inspections, smaller scale interim corrective actions, changes in procedures, and monitoring coupled with appropriate training.

Other operational changes recently used by WMATA may need to be considered such as slow orders, manual versus automated operations, and less frequent service. Such corrective actions should be reviewed with TOC to get their approval if time permits, and their effectiveness should be monitored by WMATA and TOC. If needed, adjustments to the interim CAP should be made. In situations where a long term solution is proposed, it should be planned and programmed to include interim milestone, the implementation of which should be carefully monitored. This applies to a major capital improvement project and to a complex system wide administrative change, such as implementing a comprehensive configuration management program.

TOC Program Standard and Procedures will be reviewed to see if additional requirements are needed to have WMATA routinely consider such CAP alternatives, and if required, modifications will be made.

TOC will place this audit finding as the lead item of discussion for the Corrective Action Plan Technical Review Entity (CAPTURE) meeting scheduled for May 2010. TOC will submit minutes of that meeting to FTA no later than June 30<sup>th</sup>, 2010.

**Finding #10. Require WMATA to develop and implement a comprehensive and system-wide hazard management program (as required by 49 CFR Part 659.31). (See WMATA Recommendation # 7)**

### **Actions Required for Closeout**

- *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.*

- *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.*
- *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.*

TOC will work with WMATA to develop and implement a comprehensive and system-wide hazard management program that will help WMATA better identify, investigate, and resolve hazardous conditions. Currently, the WMATA Safety Department provides TOC with the Hazard Identification and Resolution Matrices (HIRMs) on a monthly basis. The HIRMs are a good means of logging hazardous conditions; however, at the time of this audit, WMATA did not have a system-wide approach to the identification, analysis, and mitigation of hazards. Rather, the Safety Department was charged with hazard management in isolation of other WMATA departments. In accordance with the TOC Program Standard and Procedures and WMATA's SSPP (currently under TOC review), TOC will require that WMATA's hazard management program includes formalized coordination between the Safety Department and other departments to identify, analyze, and mitigate hazardous conditions, such as through Local Safety Committees, Departmental Safety Committees, and the Standing Safety Executive Committee.

The TOC will hold a special meeting with WMATA to gather information and provide input and guidance on this specific issue no later than July 30<sup>th</sup>, 2010. TOC will notify WMATA of its intention to hold such a meeting, as well as request participation of specific WMATA personnel, no later than May 15<sup>th</sup>, 2010. FTA will be invited to observe this meeting, and TOC will also examine areas for potential improvement during its 2010 Triennial Audit, schedule for June of this year. TOC will also modify its Program Standard and Procedures according to the February 8, 2010 letter to WMATA clarifying hazard reporting and classification. Subsequently, TOC will require WMATA to update its SSPP accordingly to better address hazard management. WMATA has initiated an Interdepartmental Safety Working Group who, along with the independent safety assessment contractor, will work with TOC to address this finding. WMATA has indicated their intent to integrate the hazard management process into a web-based tool, as well as other structural and process changes that will strengthen the hazard management program to be completed by September 30, 2010. Upon implementation of the strengthened hazard management program, TOC will conduct an audit of WMATA's implementation of its hazard management program. TOC will submit a status report on hazard management to FTA no later than September 30<sup>th</sup>, 2010

**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.**

#### **Actions Required for Closeout**

- *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.*
- *Provide FTA with a copy of WMATA's annual certification of compliance for 2009.*
- *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.*

TOC has been aware of FTA's clarifications of the annual certification of compliance as part of the last two audits of TOC's SSO Program. TOC communicated FTA's position to WMATA in its 2/19/10 comments on the 2009 Internal Safety and Security Audit Annual Reports as described below:

TOC's role is not to approve the Certification Letters, but just to forward them to FTA as part of TOC's 2009 Annual Report that is due on 3/15/10. Please note FTA's clarification that the General Manager Letters (both for safety and security) are to certify Metrorail's compliance with its SSPP and SEPP, respectively, not just those areas subject to internal audits in the previous year. For areas not in compliance, the transit agency is required to identify the activities to be undertaken to achieve compliance. Note that WMATA's GM Certification letter for safety only references the ISAs conducted in 2009 and makes no mention of the large number of open investigations and CAPs.

In the future TOC will work with WMATA to assure that their GM Annual Certification Letters meet FTA requirements. TOC encourages FTA, however, to further clarify its requirement in this regard in future SSO technical workshops, annual meetings, and documentation of requirements.

TOC encourages FTA to supply rail transit agencies as well as SSOs with specific guidance and clarification on the matter of the GM Annual Certification Letter. Additionally, TOC encourages FTA to provide a suggested format or template to SSOs and RTAs which would reduce the potential for confusion.

TOC will continue to submit WMATA's Certification Letters as part of its annual report to FTA, the next of which will be transmitted in March 2011.

### TOC Audit Findings Tracking Matrix

Audit Finding	Action Required for Closeout	Date Due*	Prior TOC Activity FTA Response	Status	TOC Action/ Projected Completion Date
<p><b>Finding #1:</b> 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.</p>	<ul style="list-style-type: none"> <li>Conduct a resource analysis for each jurisdiction (District of Columbia, Maryland and Virginia) to:                             <ol style="list-style-type: none"> <li>Identify all required TOC SSO Program activities, as described in Part 659 and TOC's Program Standard;</li> <li>Evaluate the resources needed to implement all required SSO activities.</li> </ol> </li> </ul>	05/04/10		OAA	For more details, please refer to TOC's response to Finding #1, and the enclosed White Paper, "Optimizing State Safety Oversight of the WMATA Metrorail System," which includes such an analysis.
	<ul style="list-style-type: none"> <li>Submit the completed resource analysis to FTA.</li> </ul>	05/04/10		OAA	See above.
	<ul style="list-style-type: none"> <li>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.</li> </ul>	05/04/10		OAA	The three jurisdictions have written formal commitment letters, attached to this response package.
<p><b>Finding #2:</b> 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.</p>	<ul style="list-style-type: none"> <li>Conduct an evaluation of the technical and professional skills TOC members need to effectively carry out their oversight duties.</li> </ul>	05/04/10		OAA	For more details, please refer to TOC's response to Finding #2, and the enclosed White Paper, "Optimizing State Safety Oversight of the WMATA Metrorail System."
	<ul style="list-style-type: none"> <li>Provide FTA with a copy of the evaluation results. This must:                             <ol style="list-style-type: none"> <li>Identify the training needed</li> </ol> </li> </ul>	05/04/10		OAA	See above.

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Audit Finding	Action Required for Closeout	Date Due*	Prior TOC Activity FTA Response	Status	TOC Action/ Projected Completion Date
	by each TOC member. (2) Provide a schedule of when needed training will be received by each TOC member.				
	<ul style="list-style-type: none"> <li>Provide FTA with documentation verifying that training has been received by each TOC member as determined necessary to carry out their TOC responsibilities.</li> </ul>	05/04/10		OAA	See above. TOC will provide documentation of such training as soon as it becomes available.
<b>Finding #3:</b> 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.	<ul style="list-style-type: none"> <li>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.</li> </ul>	05/04/10		OAA	For more details, please refer to TOC's response to Finding #3, and the enclosed White Paper, "Optimizing State Safety Oversight of the WMATA Metrorail System." The White Paper includes such an evaluation as requested at left.
	<ul style="list-style-type: none"> <li>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.</li> </ul>	05/04/10		OAA	See above.

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Audit Finding	Action Required for Closeout	Date Due*	Prior TOC Activity FTA Response	Status	TOC Action/ Projected Completion Date
<p><b>Finding #4:</b> 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.</p>	<ul style="list-style-type: none"> <li>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.</li> </ul>	<p>05/04/10</p>		<p>OAA</p>	<p>For more details, please refer to TOC's response to Finding #4, and the enclosed White Paper, "Optimizing State Safety Oversight of the WMATA Metrorail System."</p>
<p><b>Finding #5:</b> 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.</p>	<ul style="list-style-type: none"> <li>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.</li> </ul>	<p>05/04/10</p>		<p>OAA</p>	<p>For more details, please refer to TOC's response to Finding #5. TOC plans to meet with SAFE to review the Safety Rules and Procedures Manual on or before June 30, 2010. TOC will provide such formal correspondence as requested at left as soon as it becomes available.</p>
	<ul style="list-style-type: none"> <li>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.</li> </ul>	<p>05/04/10</p>		<p>OAA</p>	<p>WMATA has indicated a deadline of September 2010. TOC will discuss revision to the Safety Rules and Procedures Manual with WMATA on or before June 30, 2010.</p>
	<ul style="list-style-type: none"> <li>Provide FTA with a copy of the fully reviewed and revised Safety Rules and Procedures Manual.</li> </ul>	<p>05/04/10</p>		<p>OAA</p>	<p>TOC will provide this document as soon as it becomes available.</p>

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Audit Finding	Action Required for Closeout	Date Due*	Prior TOC Activity FTA Response	Status	TOC Action/ Projected Completion Date
	<ul style="list-style-type: none"> <li>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).</li> </ul>	05/04/10		OAA	TOC will review and either approve or provide comments to WMATA within 30 days of receipt of the Recovery Plan. Copies of all documents will be promptly provided to FTA.
<p><b>Finding #6:</b> 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.</p>	<ul style="list-style-type: none"> <li>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.</li> </ul>	05/04/10		OAA	TOC will transmit correspondence to WMATA on or before May 15, 2010 regarding the internal safety audit program. TOC will meet with the appropriate WMATA managers regarding TOC's requirements for an internal safety audit program.
	<ul style="list-style-type: none"> <li>Provide FTA with a copy of the Internal Safety Audit Recovery Plan developed by WMATA.</li> </ul>	05/04/10		OAA	TOC will direct WMATA to provide an Internal Audit Recovery Report by August 30, 2010. As soon as the documentation is received, it will be provided to FTA.
	<ul style="list-style-type: none"> <li>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).</li> </ul>	05/04/10		OAA	TOC will review and either approve or provide comments to WMATA within 30 days of receipt of the Recovery Plan. Copies of all documents will be promptly provided to FTA.

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Audit Finding	Action Required for Closeout	Date Due*	Prior TOC Activity FTA Response	Status	TOC Action/ Projected Completion Date
<p><b>Finding #7:</b> 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.</p>	<ul style="list-style-type: none"> <li>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.</li> </ul>	05/04/10		OAA	TOC will issue correspondence to WMATA no later than May 15, 2010 requiring WMATA to develop an Accident Investigation Recovery Plan as described at left.
	<ul style="list-style-type: none"> <li>Provide FTA with a copy of the Accident Investigation Recovery Plan developed by WMATA.</li> </ul>	05/04/10		OAA	TOC will require WMATA to provide the Accident Investigation Recovery Plan by June 30, 2010. The Recovery Plan will be provided to FTA as soon as it is received by TOC.
	<ul style="list-style-type: none"> <li>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).</li> </ul>	05/04/10		OAA	TOC will review and either approve or provide comments to WMATA within 30 days of receipt of the Accident Investigation Recovery Plan. Copies of all documentation will be promptly provided to FTA.
<p><b>Finding #8:</b> Document the Corrective Action Plan Technical Review process in TOC’s Program Standard and Procedures and WMATA’s System Safety Program Plan.</p>	<ul style="list-style-type: none"> <li>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.</li> </ul>	05/04/10		OAA	TOC will revise its Program Standard and Procedures in accordance with this Finding and submit to FTA no later than August 30, 2010.

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Audit Finding	Action Required for Closeout	Date Due*	Prior TOC Activity FTA Response	Status	TOC Action/ Projected Completion Date
	<ul style="list-style-type: none"> <li>Provide FTA with a copy of TOC's final revised Program Standard documenting the Corrective Action Plan Technical Review process.</li> </ul>	05/04/10		OAA	See above.
	<ul style="list-style-type: none"> <li>Provide FTA with a copy of WMATA's final revised and approved System Safety Program Plan, documenting the Corrective Action Plan Technical Review process.</li> </ul>	05/04/10		OAA	TOC will provide FTA with WMATA's revised SSPP as soon as it becomes available. TOC will review and either approve or provide comments to WMATA within 30 days of receipt of the revised SSPP. Copies of all documentation will be promptly provided to FTA.
	<ul style="list-style-type: none"> <li>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.</li> </ul>	05/04/10		OAA	See above.
<p><b>Finding #9:</b> 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.</p>	<ul style="list-style-type: none"> <li>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.</li> </ul>	05/04/10		OAA	TOC will provide such documentation as soon as it becomes available. TOC plans to discuss with WMATA during the May 2010 Corrective Action Plan Technical Review Entity (CAPTURE) meeting. TOC will submit minutes from this

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Audit Finding	Action Required for Closeout	Date Due*	Prior TOC Activity FTA Response	Status	TOC Action/ Projected Completion Date
					meeting by June 30, 2010.
	<ul style="list-style-type: none"> <li>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.</li> </ul>	05/04/10		OAA	TOC will provide an explanation of this process upon its development, but no later than June 30, 2010.
	<ul style="list-style-type: none"> <li>Ensure WMATA revise its SSPP to accurately reflect and document the process developed by TOC and WMATA to evaluate CAP alternatives.</li> </ul>	05/04/10		OAA	TOC will require that the next revision of WMATA's SSPP accurately reflects the process described at left.
	<ul style="list-style-type: none"> <li>Provide FTA with a copy of WMATA's final revised and approved System Safety Program Plan, documenting the Corrective Action Plan Technical Review process.</li> </ul>	05/04/10		OAA	TOC will provide FTA with WMATA's revised SSPP as soon as it becomes available. TOC will review and either approve or provide comments to WMATA within 30 days of receipt of the revised SSPP. Copies of all documentation will be promptly provided to FTA.
	<ul style="list-style-type: none"> <li>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.</li> </ul>	05/04/10		OAA	See above.

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Audit Finding	Action Required for Closeout	Date Due*	Prior TOC Activity FTA Response	Status	TOC Action/ Projected Completion Date
<p><b>Finding #10:</b> Require WMATA to develop and implement a comprehensive and system-wide hazard management program (as specified in 49 CFR Part 659.31).</p>	<ul style="list-style-type: none"> <li>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.</li> </ul>	<p>05/04/10</p>		<p>OAA</p>	<p>TOC will hold a special meeting with WMATA focusing on hazard management by June 30, 2010. TOC will notify WMATA of such a meeting through formal correspondence by May 15, 2010. TOC will submit documentation of this process to FTA.</p>
	<ul style="list-style-type: none"> <li>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.</li> </ul>	<p>05/04/10</p>		<p>OAA</p>	<p>TOC will conduct such an audit of WMATA's implementation of its new system-wide and comprehensive hazard management program as soon as it is developed. TOC will provide a status report to FTA by September 30, 2010.</p>
	<ul style="list-style-type: none"> <li>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.</li> </ul>	<p>05/04/10</p>		<p>OAA</p>	<p>See above.</p>
<p><b>Finding #11:</b> 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</p>	<ul style="list-style-type: none"> <li>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</li> </ul>	<p>05/04/10</p>		<p>OAA</p>	<p>TOC will work with WMATA to assure that their GM Annual Certification Letters meet FTA requirements, and will continue to submit WMATA's Certification</p>

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Audit Finding	Action Required for Closeout	Date Due*	Prior TOC Activity FTA Response	Status	TOC Action/ Projected Completion Date
Safety Program Plan as well as specific actions WMATA is taking to achieve compliance.	TOC's Program Standard.				Letters as part of its annual report to FTA.
	<ul style="list-style-type: none"> <li>Provide FTA with a copy of WMATA's annual certification of compliance for 2009.</li> </ul>	05/04/10		OAA	The certification letters and TOC's approval memo will be submitted in a separate transmittal.
	<ul style="list-style-type: none"> <li>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.</li> </ul>	05/04/10		OAA	Please refer to TOC's response to Finding #11 for more details. TOC's role is not to approve the Certification Letters, but to forward them to FTA as part of the annual report. TOC will work with WMATA to assure that the Certification Letters are acceptable to TOC and fully comply with FTA requirements.

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