

**FY 2018 WORK PROGRAM FOR THE
STATE SAFETY OVERSIGHT METRO SAFETY COMMISSION
FOR THE GREATER WASHINGTON
METROPOLITAN REGION**

February 14, 2018

METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS



The preparation of this program document was financially aided through grants from the District Department of Transportation; Maryland Department of Transportation; Virginia Department of Rail and Public Transportation; and the Federal Transit Administration of the U.S. Department of Transportation.

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SUMMARY

Program Overview

The Fiscal Year 2018 State Safety Oversight Work Program (SSOWP) consists of operational and administrative activities of the Tri-State Oversight Committee (TOC), which is responsible for the oversight of the Washington Metropolitan Area Transit Authority (WMATA) Metrorail system. The TOC, with officers from the District of Columbia, and the States of Maryland and Virginia, serves as the interim State Safety Oversight Agency (SSOA) pending the establishment of the Metro Safety Commission (MSC), an independent legal entity to assume the enhanced responsibilities of the SSOA to oversee the safety of WMATA Metrorail operations consistent with Federal Transit Administration (FTA) requirements for a SSOA. In the interim, the FTA and the member jurisdictions have designated the Metropolitan Washington Council of Governments (MWCOG), an independent legal entity, to serve as the Federal Transit Administration's (FTA's) Designated Recipient of SSO grant program funds to facilitate the establishment of the MSC and to fulfill FTA grant management requirements.

Funding

MWCOG applied for \$1,634,656 in Federal Fiscal Year (FFY) 2013 Section 5329(e) State Safety Oversight (SSO) Program funds which include additional matching funding shares for the program by the state funding agencies of \$408,664. MWCOG applied for \$1,649,627 in FFY 2014 Section 5329(e) SSO Program funds which include an additional \$412,408 in state matching funds. MWCOG also applied for \$732,283 in FFY 2015 Section 5329(e) SSO Program funds which include an additional \$183,071 in state matching funds. The total funds available for the program from the three grants are \$5,020,709 of which \$3,839,993 is available for use in COG's FY2018.

Funding agencies for the program include the District Department of Transportation, Maryland Department of Transportation, and the Virginia Department of Rail and Public Transportation. The FY14 SSO FTA grant application was approved by the FTA on September 22, 2015. MWCOG applied for \$1,649,627 in FFY14 Section 5329(e) State Safety Oversight (SSO) Program funds which include matching funding shares for the program by the state funding agencies of \$412,407. The total funds available for the program will be \$2,062,034. The FFY15 SSO FTA grant application was submitted by COG to the FTA on July 1, 2017 and was approved on May 4, 2017. During FY2018, the FFY2016 Section 5329(e) SSO funds application will be submitted to FTA for review and approval. Funding agencies for the program include the District Department of Transportation, Maryland Department of Transportation, and the Virginia Department of Rail and Public Transportation.

The FY 2018 State Safety Oversight Activity Line Items are as follows:

ACTIVITIES
ADMINISTRATIVE EXPENSES
ADMINISTRATIVE EXPENSES – MSC STAFF, Benefits, Office Space
TRAINING
CONSULTANT SERVICES – ONGOING TOC SERVICES

MISCELLANEOUS EQUIPMENT
INFORMATION SYSTEMS
CONSULTANT SERVICES – MSC RELATED (LEGAL, ORGANIZATIONAL MANAGEMENT)
SUPPORT VEHICLES

The FY 2018 SSOWP has been developed to allow for regional administration and oversight processes for the program as it relates to the revised Part 674 Work Plan. Table 1 in this document shows the budget and work program expenditures for FY 2018 for each work activity. Table 2 shows the total FY2018 funding shares each of the state funding agencies will be contributing to the program for each of the program elements.

SSO Background and Requirements

Over the past decade, regional rail transit experienced a string of fatal accidents and accidents with multiple personal injuries. On November 30, 2006, a Washington Metropolitan Area Transit Authority (WMATA) Blue Line train struck and killed two employees inspecting rapid rail track in Alexandria, Virginia. On January 7, 2007, a WMATA Green Line train derailed near the Mt. Vernon station in Washington, DC, injuring 23 people and causing \$3.8 million in damage. On June 22, 2009, two WMATA rapid rail trains collided with one another near the Fort Totten station on the Red Line, killing the driver of the second train and eight passengers, injuring another 52 passengers, and causing \$12 million in damage. On January 12, 2015, a Metrorail train stopped after encountering an accumulation of heavy smoke while traveling southbound in a tunnel between the L’Enfant Plaza Station. As a result of the smoke, 86 passengers were transported to local medical facilities for treatment. There was one passenger fatality.

The National Transportation Safety Board (NTSB) found a variety of probable causes for rail-related accidents across the country. In the case of WMATA, the NTSB found the lack of a strong safety culture to be a contributing factor. Also, the NTSB found a lack of adequate oversight both by the TOC and FTA.

MAP–21 authorizes a comprehensive Public Transportation Safety Program, now codified at 49 U.S.C. 5329. As part of this comprehensive program, new Section 5329(e) significantly revises the existing SSO program, creating a program that is more demanding of the States and their SSO programs, and FTA, as well, in several ways. First, with respect to the States, the statute requires them to submit their SSO programs to FTA for its approval. In order to gain this approval, the States must assume responsibility for overseeing the safety of their rail fixed guideway public transportation systems, adopt and enforce Federal and relevant State safety laws, determine appropriate staffing levels for their SSOAs, and ensure proper training and certification of safety oversight personnel. The organization designated as an SSOA must be financially and legally independent of the rail transit systems they oversee.

Description of the Tri-State Oversight Committee

The Tri-State Oversight Committee (TOC) is currently the SSO agency for the WMATA Metrorail system.

Under the FTA’s April 15, 2016 regulation 49 CFR Part 674, all states with a defined rail transit

system that is not under the jurisdiction of the Federal Railroad Administration (FRA) must develop and maintain a SSO agency. In general, almost all heavy rail rapid transit system such as WMATA, the New York City Subway system and other large city subway and light rail systems are outside of the jurisdiction of the FRA and as such come under the jurisdiction of the SSO, if they are funded by the FTA. The TOC's oversight jurisdiction includes the Metrorail system, but not WMATA Metrobus, MetroAccess, or any other transit bus, or paratransit system in the Washington DC metropolitan region. The FTA Regulation specifies that a state must submit its SSO Program Standard to FTA for approval and to obtain FTA certification of its program standard. A state must also demonstrate that its SSOA is legally and financially independent of its Regional Transit Agency that it will oversee. Other requirements include the adoption and enforcement of Federal and relevant state safety laws, investigatory authority, and an audit procedure. Appropriate staffing levels and proper training and certification of the SSOA's personnel is also required.

Under the FTA regulation, each state is responsible for designating an agency to carry out the SSO requirements. The states have latitude to determine which entity can conduct the oversight, as long as it is not the transit agency itself. At a minimum, the regulation requires that the SSO agencies do the following:

- develop a program standard for the transit system's safety and security plans;
- approve these plans;
- investigate accidents and hazardous conditions which meet certain criteria prescribed in 49 CFR Part 674;
- require the transit system to develop corrective action plans to address safety deficiencies;
- approve the corrective action plans;
- and conduct independent reviews of the implementation of the safety and security plans on at least a triennial basis.
- The SSO agencies can also conduct other activities as they deem appropriate based upon state specific requirements.

If the FTA determines that a state is in non-compliance with the SSO requirements, it can withhold up to five percent of the grant funds to that state transportation/rail system.

Unlike the Federal Railroad Administration (FRA) or the Federal Aviation Administration (FAA), however, SSOs have no authority under 49 CFR part 674 or by any other FTA regulations to enforce their findings with fines, civil actions or other penalties. Any such authority must come from state legislatures. The FTA intended the SSO program to function as a "cooperative" effort with the transit agencies and as such it was not designed to operate under the traditional regulatory framework of fines and penalties.

In Washington DC, the TOC's SSO program is a joint effort of the DC Department of Transportation, the Maryland Department of Transportation and the Virginia Department of Rail & Public Transportation. This arrangement was based upon the fact that WMATA's rail system operates in the three jurisdictions and it would be inefficient to have three distinct SSO agencies.

Each agency designates two members as well as alternate members if needed, and the Chair of the TOC rotates every two years between jurisdictions. In addition, the TOC retains specialized technical skills from an experienced on-call consultant.

Key Elements and Highlights

The key elements and highlights of the FY 2018 State Safety Oversight Work Program are summarized as follows:

- The Grant Administration portion of the program grant will allow for continued COG staff services for SSO grant administration for the TOC/MSO which began on August 1, 2015, and the monitoring of overall grant supported activities to ensure compliance with applicable Federal requirements, including compliance with the Federal regulations, the Master Grant Roles and Responsibilities Agreement, and applicable FTA circulars.
- The training activity line item is reserved for SSOA staff and contractors to achieve training certification as required.
- Contractor support for ongoing SSOA activities to oversee the safety of WMATA Metrorail and to assist in meeting current SSO responsibilities and in enhancing procedures and practices to meet new requirements under MAP-21
- Consultant support is also included to assist in standing-up of the MSO as a MAP-21 compliant SSOA to replace the TOC. This may include but is not limited to organizational management support and legal services.
- The purchase of miscellaneous equipment such as accident investigation supplies, Personal Protective Equipment (PPE) gear, and other miscellaneous supplies for safety personnel for use in safety audits and accident investigations.
- Information Technology Consultant Services to assist with the mobilization of the MSO and the purchase of information technology for safety personnel for use in safety oversight as well as administrative personnel providing grant administration.
- The purchase of a support vehicle will include the purchase of a light duty truck for safety personnel for use in safety oversight and administrative personnel.
- Administrative expenses for MSO staff salaries, benefits, office space, furniture costs and other direct expenses needed to mobilize the MSO.

Program Background

In establishing the SSO program, Congress recognized that the States and the rail transit systems they oversee would need a period of transition and that FTA would need time to conduct

rulemakings through public notice and comment. Thus, MAP–21 Section 20030(e) provides that the previous authorization statute for State Safety Oversight, 49 U.S.C. 5330, will remain in effect for three years after FTA promulgates a final rule under the authority of the new authorization statute for State Safety Oversight, 49 U.S.C. 5329(e). Although nothing in the Notice of Proposed Rulemaking issued on February 27, 2015 precludes a State from immediately establishing an oversight agency that fully complies with MAP–21’s requirements, Congress recognized that many States would need time to enact enabling legislation during the transition from the current program to a MAP–21 compliant program.

Since the Washington DC Metropolitan region’s Metrorail system operates in more than one State, all States must either:

- (a) Ensure that uniform safety standards and procedures in compliance with 49 U.S.C. 5329 are applied to that rail fixed guideway public transportation system, through a State safety oversight program that has been approved by the Administrator; or

- (b) Designate a single entity that meets the requirements for an SSOA to serve as the SSOA for that rail fixed guideway public transportation system, through a State safety oversight program that has been approved by the Administrator.

Up until recently, safety oversight for WMATA Metrorail has been provided by the TOC, which is locally funded by the three states. COG has been the administrative agent for the project since 1999. The TOC is staffed and funded by the three states. The TOC’s tasks include investigating hazardous conditions and accidents and conducting reviews of safety and security plans at least on a triennial basis. The TOC, however, has no authority to enforce its findings with fines, civil actions or other penalties. The FTA intended the SSO program to function as a “cooperative” effort with the transit agencies and as such it was not designed to operate under the traditional regulatory framework of fines and penalties. Further, the TOC is not a fully-independent legal entity, and the FTA has determined that the TOC is not eligible to receive the new SSO grants. COG has served as the fiscal agent for the TOC providing procurement support to the states. COG will continue this role with the TOC until the MSC established. The MSC, once established, will replace the TOC.

On September 30, 2015, the National Transportation Safety Board (NTSB) issued an Urgent Safety Recommendation R-15-31 and 32 as part of its ongoing investigation of the L’Enfant Plaza smoke and arcing accident that occurred on January 12, 2015. The NTSB recommendation called for the USDOT to seek a legislative change from Congress to transfer responsibility of Safety Oversight of Metrorail to the Federal Railroad Administration (FRA) from the TOC. In a response letter dated October 9, 2015, the USDOT’s Secretary Anthony Foxx disagreed with the NTSB recommendation and stated that through MAP-21, Congress provided the Federal Transit Administration with “greatly enhanced authority” of State Safety Oversight Agencies and allows FTA to assume those same authorities in the absence of an effective State Safety Oversight agency.

In April 2015, COG was approached by representatives of the FTA and the Director of the District Department of Transportation, the Transportation Secretary for the State of Maryland, the

Transportation Secretary of the Commonwealth of Virginia, and the Director of Virginia's Department of Rail and Public Transportation to serve as the interim designated recipient of FTA's SSO program funds. As FTA's interim designated recipient and in accordance with the statutory requirements of MAP-21, COG staff has been working with the three states to establish the MSC which will be the region's an SSO entity to oversee the safety of WMATA Metrorail operations, promulgate regulations as needed, hire and train qualified staff, enforce safety requirements and set consistent oversight policy for WMATA Metrorail.

It requires that each state provide its SSO program and SSO agency with enforcement authority to ensure 1) the safety of each rail transit agency in its program, and 2) the implementation of each agency's Safety Plan. States also must empower their SSO programs with investigative authorities. These requirements will enable States to compel action from the transit agency to address identified deficiencies.

To undertake this enhanced responsibility each state must ensure that its SSO program is managed by an SSO agency with staffing levels and qualifications commensurate with the number, size and complexity of the rail transit agencies in the program and that SSO program staff and contractors receive training and certification through FTA.

FTA will continue to provide grant funding to support the staffing and professional development of SSO programs under its Section 5329 (e) program.

For the Washington DC metropolitan region, COG was asked by the states to become the interim designated recipient of these funds ("interim" until the MSC is stood up) and use the funds to work with the three states to facilitate the creation of the MSC. Pursuant to discussions between the staffs of the FTA, COG and the three-state transportation policy staffs a Memorandum of Understanding (MOU) between the three states and COG has been developed and was signed on March 11, 2015 by the transportation secretaries of Maryland, Virginia and the Director of the District of Columbia Department of Transportation.

COG will not serve as the MSC; rather COG will receive FTA SSO funds under 49 U.S.C. Section 5329(e), and will support and work with the states to stand up the MSC.

On April 15, 2015, the COG Board was briefed on this request and gave its approval to enter into the MOU with the three states in order to become a designated recipient of FTA's SSO Program funds and to support the states to facilitate the creation of the Metropolitan Safety Commission. The Board approved it and COG executed the MOU on April 9 documenting COG's role as the interim Designated Recipient of the SSOA grant program and to provide decision support to the TOC Executive Committee and its staff.

COG became the official Designated Recipient for the FTA's SSOA program. The MSC-related work activities were transitioned from the TOC Working Group to a MSC Policy Working Group in June 2015. The Working Group helped COG submit the application for FTA's Fiscal Year 2013, 2014, and 2015 SSOA program funds which were all approved.

. COG noted the call for expediency from the three Administrations, the NTSB, the FTA, and

others to complete the work needed to stand up the MSC, including the NTSB's September 30 Urgent Safety Recommendation and the subsequent October 9 response from the USDOT Secretary. In a letter dated February 8, 2016 to the two Governors of Maryland and Virginia and the mayor of the District of Columbia from the FTA's Administrator, the results of the FTA's Safety Management Inspection coupled with the NTSB safety recommendation prompted the Secretary of Transportation to direct FTA to exercise its authority to directly oversee WMATA's safety and administer the TOC's SSO program. The FTA letter stated that the region must receive FTA certification of a new State Safety Oversight Program "which includes creation of a new State Safety Oversight Agency compliant with Federal requirements within one year from today's determination." If the region fails to do so by February 9, 2017, FTA will be prepared to withhold 5307 formula funds and other appropriate action. The MSC Policy Working Group has developed an annual work program for the federal FY 2013, 2014, and 2015 funds and has submitted program materials for the SSO Certification checklist to the FTA for review and approval in 2017.

After the three states passed their own legislation regarding forming the MSC in 2016 (DC) and 2017 (MD and VA), US House Joint Resolution 76 was signed into law on Tuesday, Aug. 22, 2017, by President Trump "Granting the consent and approval of Congress for the Commonwealth of Virginia, the State of Maryland, and the District of Columbia to enter into a compact relating to the establishment of the Washington Metrorail Safety Commission."

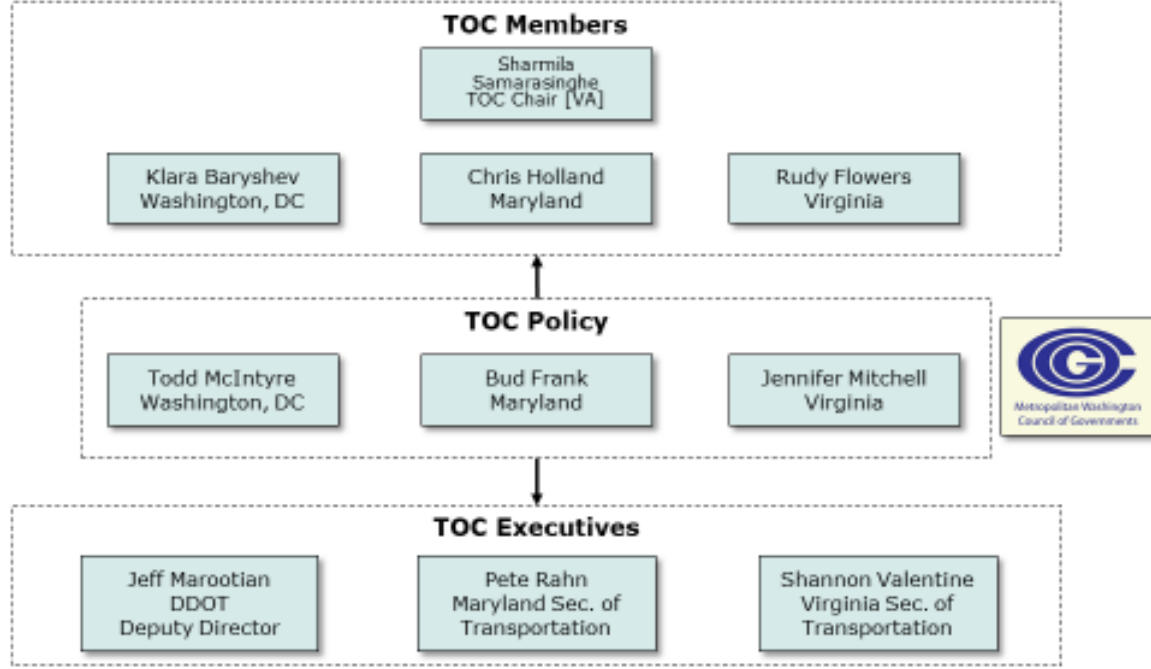
This law allows the District of Columbia, Maryland and Virginia to form the Washington Metrorail Safety Commission to oversee safety of the D.C.-area public transportation Metro train system

The new safety commission will take over from the TOC and the FTA, which has been overseeing Metrorail safety since October 2015 through a transition process and an FTA certification. The next steps during FY2018 will be to appoint the Commissioners and Alternates from each state and to convene the group to begin working towards mobilization.

FIGURE 1 : CURRENT TOC STRUCTURE

II

TOC Organization



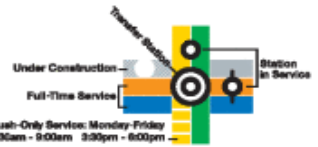
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Metro System Map

www.wmata.com
 Customer Information Service: (202) 637-7000
 TTY Phone: 202 633-3780

- ### Legend
- Red Line • Glenmont to Shady Grove
 - Orange Line • New Carrollton to Vienna
 - Blue Line • Franconia-Springfield to Largo Town Ctr
 - Green Line • Branch Ave to Greenbelt
 - Yellow Line • Huntington to Fort Totten
 - Silver Line • Wiehle-Plexton East to Largo Town Ctr

- ### Station Features
- Bus to Airport
 - Parking
 - Hospital
 - Airport
- ### Connecting Rail Systems
- AISC
 - MARC



Metro's Operating Times

- Mon-Thu** 5am-midnight
- Fri** 5am-3am
- Sat** 7am-3am
- Sun** 7am-midnight

Times are approximate; check station kiosks or online for train service times.

Metro is accessible.

- No Smoking
- No Eating or Drinking
- No Animals (except service animals)
- No Audio (without earphones)
- No Littering or Spitting
- No Dangerous or Flammable Items

**Table 1
FY 2018 STATE SAFETY OVERSIGHT BUDGET AND WORK PROGRAM EXPENDITURES***

WORK ACTIVITY	DIRECT SALARIES STAFF	M& A 24.60%	LEAVE BENEFITS 19.57%	FRINGE BENEFITS 25.80%	INDIRECT COSTS 34.16 %	DATA & PC COSTS	CONTRACT SERVICES	DIRECT COSTS	TOTAL
Administrative Expenses	\$91,340	\$22,470	\$22,273	\$35,109	\$58,479	\$0	\$0	\$77,283	\$306,954
Administrative Expenses—MSC Staff, Benefits, Offices	\$0	\$0	\$0	\$0	\$0	\$0	\$700,000	\$0	\$700,000
Training	\$0	\$0	\$0	\$0	\$0	\$0	\$50,000	\$0	\$50,000
Consultant Services – Existing SSO Support	\$0	\$0	\$0	\$0	\$0	\$0	\$1,936,961	\$0	\$1,936,961
Misc. Equipment	\$0	\$0	\$0	\$0	\$0	\$0	\$26,490	\$0	\$26,490
Information Systems	\$0	\$0	\$0	\$0	\$0	\$50,832	\$40,000	\$0	\$90,832
Support Vehicles							\$40,000		\$40,000
Consultant Services - MSC	\$0	\$0	\$0	\$0	\$0	\$0	\$688,756	\$0	\$688,756
TOTAL	\$91,340	\$22,470	\$22,273	\$35,109	\$58,479	\$50,832	\$3,482,207	\$77,283	\$3,839,993

*FY 2018 Expenditures include underrun funds from FY 2016 and FY2017

**Table 2
STATE SAFETY OVERSIGHT FISCAL YEAR 2017 BUDGET
BY FUNDING AGENCY AND PROGRAM ELEMENT**

FUNDS SOURCE	Admin Expenses	Admin Expenses MSC Staff, Benefits, Office	Training	Consulting Services Existing SSO	Misc. Equip	Info Systems	Support Vehicles	Consultant Services MSC	TOTALS
District of Columbia	\$ 20,464	\$46,667	\$3,333	\$129,131	\$1,766	\$6,055	\$2,667	\$45,917	\$256,000
State of Maryland	\$20,464	\$46,667	\$3,333	\$129,131	\$1,766	\$6,055	\$2,667	\$45,917	\$256,000
Commonwealth of Virginia	\$20,464	\$46,667	\$3,333	\$129,131	\$1,766	\$6,055	\$2,667	\$45,917	\$256,000
Federal Transit Administration	\$245,562	\$559,999	\$40,001	\$1,549,568	\$21,192	\$72,667	\$31,999	\$551,005	\$3,071,993
TOTAL	\$306,954	\$700,000	\$50,000	\$1,936,961	\$26,490	\$90,832	\$40,000	\$688,756	\$3,839,993

Detailed Activity Line Item Descriptions and Cost Estimates for the FY 2018 State Safety Oversight Work Program

I. ADMINISTRATIVE EXPENSES

The Metropolitan Washington Council of Governments (COG) staff will serve as the staff for SSO grant administration for the TOC/MSC beginning on August 1, 2015.

Work activities will include the monitoring grant supported activities to ensure compliance with applicable Federal requirements, including compliance with the Federal regulations, the Master Grant Agreement, and applicable FTA circulars.

COG staff will also monitor compliance on the part of agencies, consultants, contractors, and subcontractors working under approved third-party contracts or interagency agreements, including expenditure and budget tracking, invoice review, and annual audits.

The preparation and submittal of FTA required reports will be completed, including FFRs, MPSRs, semi-annual DBE reports, annual Certifications & Assurances, and information required for the Federal Funding Accountability and Transparency Act (FFATA)

COG staff will also maintain FTA required reports and records in an electronic library, and prepare and oversee contractor procurements, as needed. Contractor activities will also be supervised and managed and will include the review and approval of invoices.

COG will also serve as staff the SSO MSC Policy Work Group and coordinate and document meeting proceeding and follow-up items. In addition, COG staff will participate in TOC monthly meetings. COG staff will also initially be staff to the MSC Commissioners and will provide the allowable stipend for Board meetings.

COG staff in concert with the state funding agencies will also produce the annual FY 2018 SSO/MSO Work Programs.

The total budget for the FTA FY13 and FY 2014 SSO grants for Administrative Expenses is \$306,954 of which \$9,216 is from FFY13, \$206,203 is from FFY14, and \$91,535 is from FFY15.

Cost Estimate: \$306,954

Products: Documentation of specific policy and technical actions implemented. *(COG staff)*

Documentation of SSO MSC Policy Work Group meetings. *(COG staff)*

Documentation of requests made by TOC members for task order support through SSO support contract. *(COG/TPB staff)*

Review of Certified Work Plan *(COG staff)*

FY 2018 State Safety Oversight Work Program. *(COG staff)*

Services:

Compliance monitoring. *(COG staff)*

Preparation and submittal of FTA reports. *(COG staff and Consultant)*

Maintenance of FTA reports and records. *(COG staff)*

Staff the SSO MSC Policy Work Group and initially the MSC Commission *(COG staff)*

Review and process SSO Support contractor invoices *(COG staff in conjunction with TOC members)*

Conduct review of other SSO programs in the country and provide feedback to SSO MSC Policy Work Group. *(COG staff in conjunction with State funding agencies)*

Work with state funding agencies to review and update State Safety Oversight Master Roles and Responsibilities Agreement *(COG/TPB staff in conjunction with State Funding Agencies)*

Schedule:

October 1, 2017 – January 31, 2019

Oversight:

SSO MSC Policy Work Group

- Provide input and comments to FY 2018 SSOWP
- Provide input, feedback and approval on all programs and projects in SSOWP
- Review and provides updates, if needed, to Master Roles and Responsibilities Agreement

II. TRAINING

Training for SSOA staff and its respective contractors will be made available through the FTA's FFY 2013 and FFY2014 SSO grant in order to achieve training certification as required. COG

staff will work closely with the SSO staff and its contractors to either develop a Subgrantee Agreement in order to reimburse eligible training expenses, or alternatively, the training can be procured through COG directly. Expenses will include tuition and registration fees and may include but is not limited to:

- FTA Sponsored SMS Training Courses,
- FTA/Technical Training,
- FTA, APTA, NFPA, and other professional association informational meetings,
- TSI Supplemental training.

A proposed SSO MSC staffing plan includes 10 FTEs, and it is anticipated that up to this number of personnel will need to attend training which may be reimbursed through the FY13 SSO FTA grant.

The budget for Training is \$50,000 of which \$25,000 is from both the FFY13 and 14 SSO grants.

Cost Estimate: \$50,000

Products: Subgrantee Agreement with each of the state funding agencies, if needed (*COG/TPB staff in conjunction with State funding agencies*)

Services: Review and evaluate training opportunities and requests from SSO staff as needed (*COG/TPB staff in conjunction with State funding agencies*)

Process invoices either through a Subgrantee Agreement or directly through training vendors. (*COG/TPB staff*)

Schedule: January 1, 2017 – June 1, 2017

Oversight: SSO MSC Policy Work Group

- Provide input and feedback on eligible training sessions for SSO staff and its contractors.

III. CONSULTING SERVICES – EXISTING SSO

The FFY13, FFY14, FFY15 SSO FTA grant funds are intended to cover the current WMATA SSOA activities.

The funds will cover contractor support for ongoing SSOA activities which include overseeing the safety of WMATA Metrorail and to assist in meeting current SSO responsibilities and in enhancing procedures and practices to meet new requirements under MAP-21. The selected contractor will assist SSO staff in conducting audits and investigations of accidents, tracking Corrective Action Plans, and preparing required reports. SSO staff will also be assisted through the contractor with the performance of safety reviews of Metrorail on an ongoing basis. This assistance will also include the triennial safety review.

The ongoing SSOA Consulting Services project cost for the program is \$1,936,961 of which \$453,142 is from the FFY13 SSO grant, \$660,000 is from the FFY 14 SSO grant, and \$823,819 is from the FFY 15 SSO grant.

Cost Estimate: \$1,936,961

Products: Perform analysis and prepare briefing materials (*Contractor*)

Maintain a calendar of TOC and WMATA related activities and critical dates (*Contractor*),

Present Technical Training Plan and declare the status of each CONTRACTOR employee's Individual Training Plan per MAP-21 requirements (*Contractor*).

Drafting the initial triennial review reports associated with the TOC Triennial Review Program (*Contractor*),

Services: Provide general support to the TOC in assisting with implementation of the TOC's SSO (*Contractor*).

Respond to inquiries about the program, as directed by TOC (*Contractor*)

Assist the TOC, COG and WMATA with issues related to implementation of the SSO program (*Contractor*)

Support monthly TOC meetings, teleconferences, and special workshops by preparing agendas, participating, and providing minutes as directed by TOC (*Contractor*)

Administrative support (i.e. preparation of communication materials, correspondence, meeting minutes, databases, etc.), and maintenance of calendar of upcoming critical dates for report preparation, meetings, etc. *(Contractor)*

Interfacing with WMATA, COG, FTA, and other agencies on TOC's behalf, as directed by TOC *(Contractor)*

Evaluating, reviewing, and commenting on technical documents and other materials generated by WMATA and other external entities, as directed by TOC *(Contractor)*

Providing technical assistance and support to significant accident/incident investigations, on an on-call basis, as directed by TOC *(Contractor)*

Analyzing accident and incident data, assessing hazards and conducting trend analysis as directed by the TOC *(Contractor)*

Providing analysis and assistance with corrective action plans, as directed by TOC *(Contractor)*

Providing regulatory and policy analysis and support to the TOC Executive Committee *(Contractor)*.

Managing databases and file systems of TOC program information on the WMATA Metrorail system safety and security activities, and other administrative support, as needed *(Contractor)*

Schedule: December 1, 2017 – May 31, 2018

Oversight: TOC Members and COG Staff
Provide input and feedback on the following performance metrics:

- Timeliness of Work Activities
- Accuracy of Requested Work Activities
- Work Activities are Completed Within Budget
- Staffing Based on Subject Matter Expertise
- Changes to Staffing or Statement of Work Approved in Writing by COG

IV. MISCELLENEOUS EQUIPMENT

Miscellaneous equipment purchases for the project can include accident investigation supplies, Personal Protective Equipment (PPE) gear, and other miscellaneous supplies for safety personnel for use in safety audits and accident investigations.

The supply list may include: digital cameras, radio communications, gas monitors, lighting meters, radar/speed guns, and other gear.

The Miscellaneous Equipment project cost for the program tasks is \$26,490. COG staff will work closely with the SSO staff and its contractors to either develop a Subgrantee Agreement for reimbursement of eligible equipment purchase expenses, or alternatively, the equipment can be procured through COG.

These funds were allocated in FY 2016 through the FFY13 SSO grant and it is expected that they will be expended during FY 2018.

Cost Estimate:	\$26,490
Products:	Subgrantee Agreement with each of the state funding agencies, if needed <i>(COG/TPB staff in conjunction with State funding agencies)</i>
Services:	Review and evaluate equipment purchase opportunities and requests from SSO staff as needed <i>(COG/TPB staff in conjunction with State funding agencies)</i> Process invoices either through a Subgrantee Agreement or directly through training vendors. <i>(COG/TPB staff)</i>
Schedule:	August 1, 2015 – September 30, 2018
Oversight:	SSO MSC Policy Work Group <ul style="list-style-type: none">• Provide input and feedback on eligible equipment purchases for SSO staff and its contractors.

V. INFORMATION SYSTEMS

The SSO MSC program also entails Information Technology purchases. Funding from the FFY13 and FFY14 FTA SSO Grant includes purchase of computer and IT gear for safety personnel for use in safety oversight as well as administrative personnel providing grant administration.

Specific equipment may include: laptops, software licenses, printers, phones, phone service, and Wi-Fi. None of these items are expected to exceed a value of \$5,000 therefore a useful life statement is not needed.

The total cost for the Information Systems purchases activity is \$90,831 of which \$10,000 is from the FFY13 SSO grant and \$80,832 is from the FFY14 SSO grant. The FFY 14 SSO grant was amended to include \$40,000 in IT Consultant support to assist with the mobilization of the MSC. Activities would include items such as server set-ups, transfer of data from FTYA and the TOC, MSC office wiring and assistance with equipment set-up, training and on-going help desk support,

Cost Estimate:	\$90,832
Products:	Subgrantee Agreement with each of the state funding agencies, if needed <i>(COG/TPB staff in conjunction with State funding agencies)</i>
Services:	Review and evaluate Information Systems purchase opportunities and requests from SSO staff as needed <i>(COG/TPB staff in conjunction with State funding agencies)</i> Process invoices either through a Subgrantee Agreement or directly through training vendors. <i>(COG/TPB staff)</i>
Schedule:	July 1, 2017 – May 1, 2018
Oversight:	SSO MSC Policy Work Group <ul style="list-style-type: none">• Provide input and feedback on eligible Information Systems purchases and consultant assistance• for SSO staff and its contractors.

VI. CONSULTANT SERVICES – ORGANIZATIONAL MANAGEMENT

The main objective and goal of the FFY13 and FFY14 SSO FTA grant is to stand up the Metro Safety Commission MSC. COG will work in cooperation with the state funding agencies to obtain consultant support for the stand-up of the MSC as a MAP-21 compliant SSOA to replace the TOC.

Consulting services will be used to support the organizational management and development of the MSC structure. It is anticipated that an MSC Executive Director and other MSC staff may be initially hired under consulting services contracts until the MSC agency achieves organizational and financial self-sufficiency. Work will include hiring an Executive Search firm to recruit an MSC Executive Director. Work will include working with the MSC Commissioners to refine a selected design option for an SSOA organization structure for the region that will incorporate a staffing plan and organizational chart consistent with the size and complexity of the Washington Metropolitan Area Transit Authority (WMATA) rail operations. The determination of staffing levels and qualifications will be based on relevant federal rules/proposed rules: e.g. 49 CFR 674, 49 CFR 673, 49 CFR 670 and Transit Asset Management, the level of effort necessary to comply with those rules as a state safety oversight program, and annual 5329(e) federal and state grant funding allocations. A mobilization plan for MSC launch upon completion of the legislative process will also be developed and implemented during FY2018.

The budget for the MSC Consultant Services is \$382,934 of which \$182,934 is from the FFY13 SSO grant and \$200,000 is from the FFY14 SSO grant.

Cost Estimate: **\$382,934**

Products: Staffing and organizational structure analysis and plan.

Services: Implementation of an independent SSO organization for the Metropolitan Washington DC region. (*Contractor in conjunction with State funding agencies*)

Schedule: August 1, 2016 – August 31, 2018

Oversight: SSO MSC Policy Work Group

- Provide input and feedback on progress for on the organization structure and management plan for the MSC.

VII. CONSULTANT SERVICES - LEGAL

Legal consulting services to support the organizational, enforcement authority, and regulatory work activities required to establish the MSC agency as an independent and fully functional SSOA in accordance with MAP-21 requirements under 49 U.S.C. 5329(e) will use both FFY14 and FFY14 SSO grant funds. Specific work activities will include: 1) Review and implementation of additional MAP-21, rulemaking, regulations, or guidance for SSOAs and the SSO program, including the preparation of policies and procedures for the MSC. 2) Assistance by a legal consultant team to meet state and federal legislative schedules in order to adopt a legally binding MSC Compact.

The budget for the MSC Consultant Services is \$305,822 of which \$155,822 is from the FFY13 SSO grant and \$150,000 is from the FFY14 SSO grant.

Cost Estimate: **\$305,822**

Products: Compact language that will be identical for all three states and Congress to review and approve.

Services: Work with state legislatures in Maryland and Virginia and with the DC City Council on preparing Compact language that will be amenable to all three state chambers for passage in DC in 2016 and in 2017 for both Maryland and Virginia. (*Contractor in conjunction with State funding agencies*)

Compact will also need to be passed by Congress and signed by the President. (*Contractor in conjunction with State funding agencies*)

Monitor and update progress on Compact language (*Contractor in conjunction with State funding agencies*)

Assist in mobilization efforts with board structure, governance, human resources, procurement, and other administrative functions that will lead to standing up the MSC.

Schedule: July 1, 2017 – June 30, 2018

Oversight: SSO MSC Policy Work Group

- Provide input and feedback on progress for legislative initiatives related to Comact passage in all three states and Congress.
- Provide input on organization struvite, governance, and administrative policies and procedures.

VII. SUPPORT VEHICLES

The purchase of a light duty truck for safety personnel for use in safety oversight as well as administrative personnel providing grant administration will be made. COG will hold title to the vehicle. The useful life of the vehicle is four years or 100,000 miles, whichever comes first, defined by FTA Circular 5010.1.D.

The budget for the MSC Consultant Services is \$40,000 from the FFY14 SSO grant.

Cost Estimate: **\$40,000**

Products: Purchase of Light duty support vehicle.

Services: Review and evaluate support vehicle purchase opportunities and requests from SSO staff as needed (COG/TPB staff in conjunction with State funding agencies)

Process invoices either though a Subgrantee Agreement or directly through vehicle vendors. *(COG/TPB staff)*

Schedule: July 1, 2017 – May 31, 2018

Oversight: SSO MSC Policy Work Group

- Provide input and feedback on eligible support vehicle purchases for SSO staff.

VIII. ADMINISTRATIVE EXPENSES – MSC STAFFING, BENEFITS, OFFICE SPACE

MSC staff salaries, benefits, office space, furniture costs and other direct expenses needed to mobilize the MSC would be funded with FFY14 SSO grant funds. Specific expenses include: salaries, benefits, travel reimbursement and other applicable administrative expenses. MWCOG will administer these expenses through Subgrantee Agreements with the District of Columbia District Department of Transportation, Maryland Department of Transportation, and Virginia Department of Rail and Public Transportation.

The budget for this line item is \$700,000 from the FFY14 SSO grant.

Cost Estimate: **\$700,000**

Products: Work with contractors to prepare recommendations for employee salaries and benefits to present to the MSC Commissioners for adoption and implementation (*COG/TPB staff in conjunction with State funding agencies and contractors*)

Locate office space for the MSC and negotiate a lease agreement which will be re-assigned to the MSC once it's mobilized (*COG/TPB staff in conjunction with the State funding agencies and contractors*)

Services: Obtain cost quotes for office furnishings and equipment and make recommendations to the MSC Commissioners (COG/TPB staff in conjunction with contractors).

Review invoices for processing and payment. (*COG/TPB staff*)

Schedule: October 1, 2016 – January 31, 2019

Oversight: SSO MSC Policy Work Group

- Provide input and feedback on for MSC staffing, benefits and office space costs.