

Metrorail Safety Commission

May 1, 2018

Mr. Jack Potter
President and Chief Executive Officer
Metropolitan Washington Airports Authority
1 Aviation Circle, Washington, DC 20001-6000

Dear Mr. Potter,

I am pleased to write to you about the progress being made at the Metrorail Safety Commission (MSC) and provide an overview of the coordination of the safety oversight of the Metro rail system among the various entities during this transition period. This letter also describes specifically the role and responsibilities of the newly-created MSC *in relation to state safety oversight of the Dulles Corridor Metrorail Project*.

As you are aware, 49 U.S.C. § 5329(e) mandates that states with a rail fixed guideway public transportation system, either in the operations or in the engineering or construction phase of development, create a state safety oversight (SSO) program and establish a state safety oversight agency (SSOA). On March 16, 2016, the Federal Transit Administration (FTA) published a final rule requiring SSOAs to establish an SSO program pursuant to 49 C.F.R. part 674, which replaces the existing regulations for SSOAs at 49 C.F.R. part 659, in place for the past 20 years. FTA will approve and certify each State's SSO program pursuant to part 674.

The District of Columbia, Maryland and Virginia jointly established the MSC as an independent body that will become the SSOA for the Metrorail system, providing safety oversight of Metrorail pursuant to part 674. Last year, the three jurisdictions enacted legislation authorizing an interstate compact that created the MSC. On August 22, 2017, President Trump signed into law a Congressional Resolution, H.J.Res. 76, that consented to the MSC Compact.

The MSC held its first meeting on March 13, 2018 and is resolutely working towards preparing an SSO program for submission to FTA by September 30, 2018, in anticipation of FTA's certification of the program by the April 15, 2019 statutory deadline. On April 24, 2018 the MSC announced its selection of Dr. David Mayer as its Chief Executive Officer. Dr. Mayer is anticipated to start his tenure at the MSC around June 4, 2018. One of his priority activities will be to secure FTA's certification of the MSC's SSO program.

As the MSC works to prepare a part 674-compliant SSO program, it has also begun working with FTA and the Tri-State Oversight Committee (TOC) on information exchange and transition planning in anticipation of the handover of safety oversight responsibility to the MSC once FTA certifies the MSC's SSO program. FTA, TOC, and the MSC intend to ensure that this is accomplished seamlessly, with as little confusion as possible to all impacted parties. This effort is being supported by transportation leaders in Maryland, Virginia, and the District of Columbia.

I understand that FTA, in consultation with TOC, transmitted a letter to MWAA in November 2017 to provide clarity and assurance on the FTA, TOC, and MSC roles in relation to the Dulles Corridor Metrorail Project (DCMP). All parties agree that for the DCMP to successfully start revenue operations, close coordination between these three entities is imperative. I understand that TOC has been actively engaged in oversight of the safety certification process so far on Phase II and expect that to continue until FTA certifies the MSC's SSO program. The MSC is committed to ensuring that that the Silver Line Phase 2 project is successfully brought into safe revenue operations.

As the MSC proceeds with transitional work activities, the MSC along with its counterparts at FTA and TOC will conduct various outreach and collaboration efforts to ensure all stakeholders are well informed about progress and next steps.

The MSC looks forward to working with you and your team upon formally assuming responsibility for the safety oversight of the DCMP project.

Should you wish to discuss the matter further with me or the Commission please do not hesitate to contact _____

Sincerely,

Christopher Hart
Chairman, Metrorail Safety Commission

Cc: Ms. Sharmila Samarasinghe,
Chair, Tristate Oversight Committee

Ms. Jamie Pfister
Director, WMATA Safety Oversight Team