

# **Washington Metrorail Safety Commission**

State Safety Oversight

Program Standard

*September 10, 2019*

<b>Revision History</b>		
Date	Section	Notes
July 11 2019	Section 8 Accident Investigations	WMSC Resolution R-2019-9
September 10 2019	Section 8 Accident Investigations	WMSC Resolution R-2019-10

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## FOREWORD

In the Program Standard, the term Washington Metrorail Safety Commission or “WMSC” refers to the organization as a whole to include the Commissioners, WMSC Chief Executive Officer, and WMSC personnel.

The term “Washington Metropolitan Area Transit Authority” or “WMATA” refers to WMATA Metrorail in particular, and the organization and the governing board that directs and performs its work.

The WMSC is the designated State Safety Oversight Agency for conducting rail safety oversight of WMATA Metrorail.

The WMSC has rail safety oversight authority of WMATA under Title 49 U.S.C.5329. The ultimate responsibility for all State Safety Oversight Agency (SSOA) activities rests with the WMSC Commissioners.

The WMSC, through its Commissioners, designated employees or agents, shall carry out all mandated activities per Title 49 CFR Part 674.

The WMSC Chief Executive Officer (CEO) is responsible for ensuring that day-to-day SSOA activities are executed effectively and in accordance with Federal requirements, WMSC requirements, the WMSC Program Standard, and the Standard Operating Procedures.

The WMSC CEO is the Accountable Executive of the State Safety Oversight Agency. The WMSC CEO shall keep the Commissioners apprised of all WMSC activities in conjunction with WMSC Program Standard implementation as well as associated outcomes, next steps, and emerging risks.

The WMSC personnel shall conduct the day-to-day State Safety Oversight functions of the WMSC, under the supervision of the WMSC Chief Executive Officer, implement the WMSC Program Standard, and develop reports and other documentation for the Chief Executive Officer and Commissioners. Specific activities to be carried out by the personnel and the methods thereof are enumerated in the WMSC Standard Operating Procedures.

WMSC requires that all written communications from WMATA to the WMSC be transacted electronically. This extends to correspondence, notifications, status updates, cyclical reports, responses to WMSC electronic communication, document production requests, and all other “written” communication. When final versions of reports, correspondence and records are submitted to the WMSC such materials must be submitted in an unalterable format with all required approval signatures visible. This Program Standard will be reviewed on an annual cycle and any subsequent revisions or updates will be approved by the Commissioners prior to implementation. In instances where mid-year revisions are needed, these revisions, too, will be brought to the WMSC Commissioners for approval prior to implementation.

The WMATA Accountable Executive is the WMATA General Manager/Chief Executive Officer.

## GLOSSARY

**Accident** means an Event that involves any of the following: A loss of life; a report of a serious injury to a person; a collision involving a rail transit vehicle; a runaway train; an evacuation for life safety reasons; or any derailment of a rail transit vehicle, at any location, at any time, whatever the cause.

**Accountable Executive** means a single, identifiable individual who has ultimate responsibility for carrying out the Public Transportation Agency Safety Plan of a public transportation agency; responsibility for carrying out the agency's Transit Asset Management Plan; and control or direction over the human and capital resources needed to develop and maintain both the agency's Public Transportation Agency Safety Plan in accordance with 49 U.S.C. 5329(d), and the agency's Transit Asset Management Plan in accordance with 49 U.S.C. 5326.

**Contractor** means an entity that performs tasks on behalf of FTA, a State Safety Oversight Agency, or a Rail Transit Agency, through contract or other agreement.

**Consequence** means the repercussions of a situation, and is characterized by damages, be it financial loss, loss of life, damage to equipment, or injury. For instance, a consequence of failure to comply with roadway worker rules is injuries to workers in a work zone.

**Corrective Action Plan** means a plan developed by the rail transit agency (RTA) that describes the actions the RTA will take to minimize, control, correct, or eliminate hazards, and the schedule for implementing those actions. This could also mean mitigations arising from a methodical safety risk assessment whereby WMATA must establish methods or processes to assess the safety risks associated with identified safety hazards, including the likelihood and severity of the consequences of the hazards, including existing mitigations, and prioritization of the hazards based on the safety risk. WMATA must establish methods or processes to identify mitigations or strategies necessary as a result of the agency's safety risk assessment to reduce the likelihood and severity of the consequences (see consequence definition).

**Event** means an Accident, Incident, or Occurrence. Sometimes the term "safety event" is used in this document for clarity.

**Finding & Recommendations** means a formally-documented observation and description of a deficiency in a RTA's practice. Findings fall into two categories, both requiring corrective action by the transit agency.

- **Findings (of Non-Compliance)** generally relate to those areas where the RTA is not following its own established plans, policies and procedures, or where those plans, policies, and procedures are non-existent.
- **Recommendations** are deficiencies regarding RTA practices or plans that do not rise to the level of non-compliance with established policies or procedures, or industry standards, and are a pre-emptive attempt at preventing a low hazard condition from progressing to a situation that, if kept unchecked, could result in a non-compliance/safety critical issue.

**FOIA** means Freedom of Information Act.

**FRA** means the Federal Railroad Administration, an agency within the U.S. Department of Transportation.

**FTA** means the Federal Transit Administration, an agency within the U.S. Department of Transportation.

**Hazard** means any real or potential condition that can cause injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a rail fixed guideway public transportation system; or damage to the environment.

**Incident** means an event that involves any of the following: A personal injury that is not a serious injury; one or more injuries requiring medical transport; or damage to facilities, equipment, rolling stock, or infrastructure that disrupts the operations of a rail transit agency. An incident must be reported to FTA's National Transit Database in accordance with the thresholds for reporting set forth in 49 CFR Part 674 and the WMSC Program Standard. If a rail transit agency or State Safety Oversight Agency later determines that an Incident meets the definition of Accident in this section, that event must be reported to the SSOA in accordance with the thresholds for notification and reporting set forth in **WMSC Program Standard**.

**Incident Command** is a standardized approach to the **command**, control, and coordination of emergency response providing a common hierarchy within which responders from multiple agencies can be effective.

**Individual** means a passenger; employee; contractor; other rail transit facility worker; pedestrian; trespasser; or any person on rail transit-controlled property.

**Investigation** means the process of determining the causal and contributing factors of a safety event or hazard, for the purpose of preventing recurrence and mitigating risk.

**National Public Transportation Safety Plan** means the plan to improve the safety of all public transportation systems that receive Federal financial assistance under 49 U.S.C. Chapter 53.

**NTSB** means the National Transportation Safety Board, an independent Federal agency.

**New Starts Project** means any rail fixed guideway system funded under FTA's 49 U.S.C.5309 discretionary construction program.

**Occurrence** means an Event without any personal injury in which any damage to facilities, equipment, rolling stock, or infrastructure does not disrupt the operations of a rail transit agency.

**Oversight Agency or SSOA** means the entity, other than the RTA, designated by the state or several states to implement this part.

**Passenger** means a person who is on board, boarding, or alighting from a rail transit vehicle for the purpose of travel.

**Passenger Operations** means the period of time when any aspect of RTA operations are initiated with the intent to carry passengers.

**Person** means a passenger, employee, contractor, pedestrian, trespasser, or any individual on the property of a rail fixed guideway public transportation system.

**Public Transportation Safety Certification Training Program** means either the certification training program for Federal and State employees, or other designated personnel, who conduct safety audits and examinations of public transportation systems, and employees of public transportation agencies directly responsible for safety oversight, established through interim provisions in accordance with 49 U.S.C. 5329(c)(2), or the program authorized by 49 U.S.C. 5329(c)(1).

**Program Standard** means a written document developed and adopted by the oversight agency that describes the policies, objectives, responsibilities, and procedures used to provide RTA safety oversight.

**Rail System/Light Rail System** means the rail fixed guideway public transportation system and all other real and personal property owned, leased, operated or otherwise used by RTA rail services and shall include RTA rail projects under design or construction by owners other than RTA.

**Rail Fixed Guideway Public Transportation System (RFGPTS)** means any fixed guideway system that uses rail, is operated for public transportation, is within the jurisdiction of a State, and is not subject to the jurisdiction of the Federal Railroad Administration, or any such system in engineering or construction. Rail fixed guideway public transportation systems include but are not limited to rapid rail, heavy rail, light rail, monorail, trolley, inclined plane, funicular, and automated guideway.

**Rail-highway Grade Crossing** means an at-grade crossing where a public highway, road, street, or private roadway, including associated sidewalks and pathways, crosses one or more railroad tracks at grade, and is marked by crossbucks, stop signs, or other appropriate signage indicating the presence of an at-grade crossing.

**Rail Transit Agency (RTA)** means any entity that provides services on a rail fixed guideway public transportation system.

**Rail Transit-Controlled Property** means property that is used by the RTA and may be owned, leased, or maintained by the RTA.

**Rail Transit Vehicle** means the RTA's rolling stock, including but not limited to passenger and maintenance vehicles.

**Risk** means the composite of predicted severity and likelihood of the potential effect of a hazard.

**Risk Mitigation** means a method or methods to eliminate or reduce the effects of hazards.

**Safety** means freedom from harm resulting from unintentional acts or circumstances.

**Safety Management System** means a method of identifying hazards and controlling risks in a work and operational environment that continually monitors these methods for effectiveness.

**Safety Risk Management** means a process within a Rail Transit Agency's Safety Plan for identifying hazards and consequences and analyzing, assessing, and mitigating safety risk.



**Safety-sensitive Employee** means an individual who performs any of the following duties: (1) Operating a revenue service vehicle, including when not in revenue service; (2) Operating a nonrevenue service vehicle, when required to be operated by a holder of a Commercial Driver's License; (3) Controlling dispatch or movement of a revenue service vehicle; (4) Maintaining (including repairs, overhaul, and rebuilding) a revenue service vehicle or equipment used in revenue service. This definition is subject to change as the WMATA develops and WMSC approves the Public Transportation Agency Safety Plan (PTASP) per 49 CFR 673. The WMSC Compact relies on the definition in the WMATA PTASP. Until such time the PTASP is prepared by WMATA and approved by the WMSC, the above definition will apply.

**Serious Injury** means any injury which: (1) Requires hospitalization for more than 48 hours, commencing within 7 days from the date of the injury was received; (2) Results in a fracture of any bone (except simple fractures of fingers, toes, or nose); (3) Causes severe hemorrhages, nerve, muscle, or tendon damage; (4) Involves any internal organ; or (5) Involves second- or third-degree burns, or any burns affecting more than 5 percent of the body surface.

**State** means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

**State Safety Oversight Agency (SSOA)** - See definition for Oversight Agency

**System Safety Program Plan (SSPP)** means a document developed and adopted by the RTA, describing its safety policies, objectives, responsibilities, and procedures. The SSPP will serve as the interim TASP moving forward, until July 2020.

**Security and Emergency Preparedness Plan (SEPP)** means a document developed and adopted by the RTA describing its security and emergency preparedness policies, objectives, responsibilities, and procedures. The WMSC's oversight will only extend to the emergency preparedness components of this document.

**Transportation Agency Safety Plan (TASP)** as prescribed by 49 CFR Part 673.

**Vehicle** means any rolling stock used on a rail fixed guideway public transportation system, including but not limited to passenger and maintenance vehicles.

## Section 1 Program Management

### Introduction

This Program Standard describes the Washington Metrorail Safety Commission's (WMSC) approach to implementing the requirements of its State Safety Oversight (SSO) program over the entire Washington Metropolitan Area Transit Authority (WMATA) Metrorail system (Metrorail), whether operational or under construction.

"Agency" or "State Safety Oversight Agency" or "SSOA" refers to an entity established by a State or multiple States that meets the requirements and performs the functions specified by Title 49 CFR Part 674. Different aspects of the program will apply, depending on an agency's status relative to Federal Transit Administration (FTA) regulations contained in Title 49 Code of Federal Regulations (CFR) Part 674, the SSO Final Rule; System Safety Program Plan; as well as related Final Rules, including Title 49 CFR Part 670, the Public Transportation Safety Program Final Rule, and Title 49 CFR Part 625, the Transit Asset Management (TAM) Final Rule, 49 CFR 673 Public Transportation Agency Safety Plan Rule, 49 CFR 672 Public Transportation Safety Certification Training Rule, and any subsequent rules that impact the Rail Fixed Guideway State Safety Oversight regulation.

While FTA's regulations, as well as the WMSC's enabling Interstate compact, represents a dramatic increase in the requirements for overseeing the WMATA Metrorail system, the WMSC will build and maintain a strong and cooperative working relationship with WMATA Metrorail employees and management.

### WMSC Authority

In Title 49 CFR Part 659, the Federal Transit Administration established SSO requirements for States with defined rail fixed guideway systems (including light rail and heavy rail transit, streetcars, monorails, trolleys, and other fixed-guideway modes) to conduct safety oversight of those systems.

In October 2012, the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21), which includes new provisions for State Safety Oversight Agencies (SSOAs), became effective. MAP-21 safety mandates, now codified at Title 49 United States Code (USC) §5329, create a new regulatory role for the States implementing SSO programs for the rail transit fixed guideway systems in their jurisdictions; relevant Fixing America's Surface Transportation (FAST) Act and MAP-21 regulations are promulgated in Title 49 CFR Part 674, the SSO Final Rule; Title 49 CFR Part 673 Public Transportation Agency Safety Plan Rule, Title 49 CFR Part 672, Public Transportation Safety Training Certification and Title 49 CFR Part 670, the Public Transportation Safety Program Final Rule. Title 49 USC §5329 requires a legally and financially independent State authority for safety oversight of all fixed rail transit facilities. For the purposes of meeting the SSO requirements of Title 49 USC §5329(e), the WMSC is the SSOA with jurisdiction over Metrorail, the rail fixed-guideway public transportation system (RFGPTS) operated by WMATA. At the time of preparing this document, portions of the future Metrorail guideway on the Silver Line are currently under construction and are managed in the design, construction, and testing phases a project sponsor separate and apart from WMATA. The Metrorail service area covers the District of Columbia, the State of Maryland, and the Commonwealth of Virginia. The authority of the WMSC extends to the WMATA RFGPTS and all other rail and property owned, leased, operated, and otherwise used by WMATA rail services and shall include WMATA rail projects under design or construction by entities other than WMATA.

## Legislative Authority

The WMSC has authority to implement the requirements of MAP-21 on behalf of the District of Columbia, State of Maryland, and Commonwealth of Virginia under the auspices of the WMSC Interstate Compact, Public Law 115-54, enacted August 22, 2017, which is attached to this program standard document for easy reference.<sup>1</sup>

The WMSC SSO personnel, as well as contractors who are hired to support SSO staff in implementing the WMSC SSO Program Standard, have the explicit authority to conduct all aspects of the Program Standard activities.

The WMSC SSO personnel, as well as contractors, are collectively agents of the WMSC authorized to represent the WMSC on activities pertaining to the performance of the WMSC Program Standard.

On occasion, contractors will represent the WMSC without the presence of WMSC personnel. In such instances, WMSC contractors are *ad hoc* staff acting on behalf of the WMSC.

Under the authority granted by the WMSC Compact, the WMSC has the authority to conduct activities on Metrorail property that can include, but are not limited to:

- Investigating accidents and requiring WMATA to investigate accidents, including allegations of non-compliance per 49 CFR Part 674.25(c)
- Examining compliance for safe operation, maintenance, and use of the Metrorail system
- Conducting independent assessments and evaluations of safety issues
- Conducting announced and unannounced inspections
- Reviewing records, including electronic information and databases
- Interviewing employees
- Reviewing video and audio recordings
- Accessing data downloaded from electronic devices and recorders
- Taking measurements and photographs
- Observing employees in the performance of work

In accordance with the WMSC Compact, the WMSC has the authority to conduct enforcement activities for non-compliance that can include, but are not limited to:

- Issuing subpoenas

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<sup>1</sup> The legal authority for the WMSC is derived from an Interstate Compact, which was authorized by identical legislation enacted by each of the jurisdictions served by Metrorail: D.C. Act 21-666, which became law on February 10, 2017; Maryland H.B. 119, which became law on March 30, 2017; and Virginia H.B. 2136, which became law on March 24, 2017. The U.S. Congress granted its consent and approval of the WMSC Compact via H.J.Res.76, which became P.L. 115-54 on August 22, 2017. In this document, this legislation is collectively referred to as the “WMSC Compact.”

- Taking legal action in a court of competent jurisdiction
- Issuing citations or fines
- Directing WMATA to prioritize spending on safety-critical items
- Removing a specific vehicle, infrastructure element, or hazard from the Metrorail system
- Restricting, suspending, or prohibiting rail service, with appropriate notice, on all or part of the Metrorail system
- Directing WMATA to suspend or disqualify from performing, in a Safety Sensitive Position, an individual who has violated safety rules, regulations, policies, or laws in a manner that the WMSC determines makes that individual unfit for the performance in such a position
- Take other such actions that the WMSC may deem appropriate consistent with its purposes and powers
- Interviewing WMATA personnel
- Interviewing WMATA contractors
- Requiring furnishing of records to include print as well as electronic records; audio recordings, video recordings; all or each that might be central to an ongoing investigation, inspection, observation, or evaluation attached to an WMSC Program Standard activity

For purposes of functioning as a legally and financially independent organization, the WMSC has authority that includes:

1. Hiring personnel to perform SSO duties
2. Training its personnel and contractors
3. Procuring contractual support to assist in the performance of SSO duties
4. Entering into various contractual agreements in support of sustaining the organizational functionality of the Washington Metrorail Safety Commission

### Right of Access

For purposes of gathering information, observing operations, conducting investigations, conducting testing and examinations, the WMSC Compact authorizes representatives from the Washington Metrorail Safety Commission to “enter upon the WMATA rail system and, upon reasonable notice and a finding by the Chief Executive Officer that a need exists, upon any lands, waters and premises adjacent to the WMATA rail system, including without limitation property owned or occupied by the federal government.” This authority permits the WMSC unescorted access to WMATA property and adjacent property.

### WMSC Program

Pursuant to Title 49 CFR Part 674 and all applicable companion regulations and the WMSC Compact:

1. The WMSC is the legal entity created through independent legislative acts by the District of Columbia, the Commonwealth of Virginia, and the State of Maryland designated in accordance with Title 49 CFR Part 674.15(b) as the SSOA for WMATA Metrorail, the rail transit agency it oversees. These three named jurisdictions have the responsibility for overseeing the safety of the WMATA Metrorail for which purpose the WMSC was created.
2. The WMSC is financially and legally independent from WMATA.
3. The WMSC does not provide any public transportation services.
4. The WMSC does not employ any individual who is also responsible for administering WMATA.
5. The WMSC will identify, document, and either eliminate or implement mitigations that fully cure any instances of financial or legal conflict of interest.
6. The WMSC is prohibited by law from receiving any funding from WMATA.
7. This program standard establishes the WMSC's minimum standards for ensuring the safety of WMATA. These standards are consistent with the National Public Transportation Safety Plan, the Public Transportation Safety Certification Training 49 CFR 672 Provisions, the System Safety Program Plan (SSPP), the Public Transportation Agency Safety Plan 49 CFR 673 when effective, and all applicable federal and state laws.

### WMSC Policies

The WMSC is legally and financially independent of the WMATA Metrorail system. Please refer to the WMSC Conflict of Interest Policy for definitions of a conflict of interest, and procedures for resolving conflicts of interest (See Appendix J).

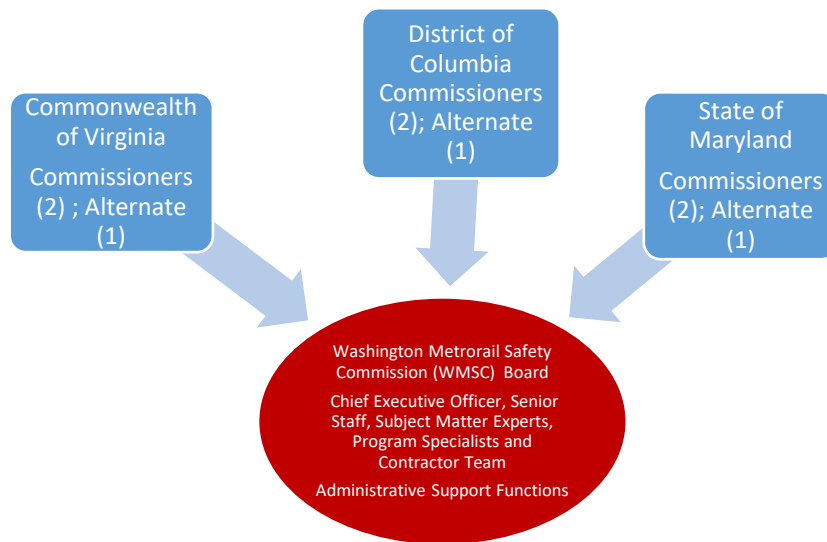
The WMSC may receive inquiries subject to the Freedom of Information Act (FOIA). Please refer to the WMSC FOIA Procedure for WMSC roles, responsibilities, requirements, and procedures regarding such inquiries (See Appendix I).

### WMSC Organization Structure Lines of Authority

Figure (1) represents the organizational lines of authority associated with the Washington Metrorail Safety Commission. As the graphic presents, the authority of the WMSC flows from Commissioners, appointed by the District of Columbia, the State of Maryland, and the Commonwealth of Virginia governments or legislature. Each jurisdiction is represented by two Commissioners and one Alternate. Each jurisdiction's Alternate is only permitted to vote in the absence of one or both of that jurisdiction's Commissioners. The day-to-day work of the Washington Metrorail Safety Commission is undertaken by a team of SSO staff, including subject matter experts in the areas of train operations, rail vehicles, traction power, track and structures, automatic train control, program implementation, as well as rail safety, and project staff who will assist the subject matter experts. These technical experts and project analysts are overseen and supervised by the Chief Operating Officer. The entirety of the SSOA staff is led by a Chief Executive Officer. The Director, External Relations has specific responsibilities in the areas of policy expertise, government relations and public engagements. Both the Director, External Relations, and the Chief Operating Officer report directly to the Chief Executive Officer. When a need arises, the WMSC will utilize technical experts to augment staffing resources for investigations or for specific program activities.

A team of management services firms is providing the necessary administrative support to the WMSC, which includes legal services, procurement, public relations, human resources, information technology, telecommunications, and general office management.

### Washington Metrorail Safety Commission Organization



Note: The entire Washington Metrorail Safety Commission Organization Structure can be found in the Appendices.

### WMSC Reporting Requirements

The WMSC Compact requires the WMSC to make and publish annually a status report on the safety of the Metrorail system. The report shall include status updates of outstanding Corrective Action Plans, WMSC directives, and on-going investigations. A copy of each such report shall be provided to the FTA Administrator, the Governor of Virginia, the Governor of Maryland, the Mayor of the District of Columbia, and the WMATA General Manager and each member of the Board of Directors at WMATA. The WMSC may prepare, publish, and distribute other safety reports as it may deem necessary.

The WMSC shall make and publish an annual report on its programs, operations, and finances, which shall be distributed in the same manner as described above.

The WMSC may also prepare, publish, and distribute other public reports and informational materials as it may deem necessary.

## WMSC and WMATA Communications

Communications between the WMSC and WMATA will occur at all levels of the Washington Metrorail Safety Commission. Frequent and candid communication between the WMSC and WMATA is valuable as it serves to maintain transparency and rapport between the two organizations. This communication may be formal (e.g., written correspondence or orders) or informal (e.g., ad hoc meetings or teleconferences), and it also includes topical recurring meetings and information exchanges. Topics include corrective action plans, investigations, budget oversight, safety plan reviews, major capital project oversight, and audits and inspections. WMSC staff and, as appropriate, WMSC Commissioners, are regular observers/participants at WMATA activities such as disaster drills, safety meetings, training activities, and the like.

The WMSC favors informal, oral communication wherever appropriate; however, “written” communication is often required. When this is the case, and to the maximum extent practicable, the WMSC will communicate with WMATA electronically. Accordingly, the WMSC requires that all written communications from WMATA to the WMSC be transacted electronically. This extends to correspondence, notifications, status updates, cyclical reports, responses to WMSC electronic communication, document production requests, and all other “written” communication.

## Transparency of WMSC Program Activities

The WMSC Freedom of Information Act (FOIA) policy (see Appendix I) describes the WMSC’s methodology for complying with transparency and public access provisions of the Freedom of Information Act codified at 5 USC § 552(a)-(d) and (g). The WMSC is not subject to the freedom of information laws of the District of Columbia, State of Maryland, or the Commonwealth of Virginia.

## SECTION 2 PROGRAM STANDARD DEVELOPMENT

This section of this Program Standard explains the WMSC's process for developing, reviewing, adopting, and revising its minimum standards for safety, and distributing these standards to WMATA.

### Vehicle for Oversight of WMATA Rail System: System Safety Program Plan versus Agency Safety Plan

If the WMSC submits its program for certification prior to the FTA Public Transportation Agency Safety Plan (PTASP) final rule taking effect, the WMSC will oversee WMATA Metrorail's implementation of its System Safety Program Plan (SSPP) required by Title 49 CFR Part 659.19 until such time as the WMSC and WMATA Metrorail implement the FTA's PTASP rule. Throughout this section and others in this Program Standard, references to the System Safety Program Plan, Public Transportation Agency Safety Plan or Agency Safety Plan are fundamentally interchangeable. Each of these documents are the rail system's stated commitment and approach to eliminating or mitigating hazards throughout the rail system and continually improving its safety profile. The System Safety Program Plan is the program that is required by the current Rail Fixed Guideway State Safety Oversight Rule, Title 49 CFR Part 659. The Agency Safety Plan, or the Public Transportation Agency Safety Plan, will supersede the SSPP once Title 49 CFR Part 673 takes effect. The Agency Safety Plan, or the Public Transportation Agency Safety Plan, will supersede the SSPP when 49 CFR Part 673 takes effect on July 19, 2019. The WMSC and WMATA will be governed by 49 CFR 673 Public Transportation Agency Safety Plan regulation starting July 2019.

### Program Standard Development

The Program Standard describes the elements involved in the WMSC's oversight program and minimum content that the WMSC requires for WMATA's SSPP. It also describes the approach to implementing the WMSC's oversight program requirements, the associated methodology for reviewing WMATA's SSPP, and assessing its implementation. The WMSC's Program Standard was developed according to relevant federal requirements including, but not limited to: 49 U.S.C 5329, Title 49 CFR Parts 670, 672, 673 and 674. The WMSC Program Standard is also developed in accordance with the WMSC's enabling legislation, the Washington Metrorail Safety Commission Compact, executed by the three member jurisdictions.

The WMSC has identified WMATA program areas for which minimum safety standards are appropriate and necessary according to Title 49 CFR Part 674. As such, WMATA must prepare and maintain a SSPP in accordance with the WMSC requirements to address the safety of passengers and employees. The WMATA SSPP must:

1. Contain a policy statement signed by the agency's chief executive that endorses the safety program and describes the authority that establishes the system safety program plan. Once 49 CFR 673 is in effect the Public Transportation Agency Safety Plans (successor to the SSPP) must be approved by the WMATA's board of directors;
2. Set forth a sufficiently explicit process for safety risk management, with adequate means of risk mitigation for Metrorail;
3. Include a process and timeline for annually reviewing and updating the safety plan;
4. Include a comprehensive staff training program for the operations personnel directly responsible for the safety of Metrorail;
5. Identify an adequately trained safety officer who reports directly to the General Manager/CEO;



6. Include adequate methods to support the execution of the SSPP by all employees and contractors for Metrorail; and
7. Sufficiently address other requirements promulgated through future FTA regulations that are companion to the SSO regulation.

### Program Standard Review and Revision

The WMSC Program Standard will be reviewed annually by the WMSC and will be updated as needed. The primary responsibility for overseeing the process will be the WMSC Chief Executive Officer. Any updates required by FTA rules, as well as any improvements suggested by changes in industry best practices, will be added during this revision process. In addition, the WMSC will continue to discuss its Program Standard with WMATA personnel, and where appropriate, will incorporate any suggested changes that enhance safety, or to institute pragmatic approaches to WMATA compliance with this document. When the WMSC makes significant revisions to this document, or when other conditions dictate, it will provide a draft of its revised Program Standard and will distribute the intended changes amongst the designated WMATA contact person(s) for system safety. Significant revisions to the WMSC Program Standard are those updates that would require expanded work efforts on the part of WMATA Metrorail that would have to be then appropriately described in the WMATA SSPP. For illustrative purposes, if the WMSC Program Standard adopts the APTA Passenger Rail Standards for Emergency Egress Signage as an WMSC Minimum Standard, then WMATA would have to abide by that minimum standard by having compliant, emergency egress signage in all its rail vehicles; there will be reference to this standard in the WMATA Agency Safety Plan and the commitment to comply fully with the standard. The WMATA SSPP will further enumerate how this standard would be implemented.

When immediate changes are needed to the Program Standard, the WMSC will issue interim changes to the designated WMATA contact person in written form, to be followed by a revised Program Standard approved by the WMSC Board, as soon as practical.

### Routine Review and Updates to the Program Standard

The WMSC Program Standard revisions/updates are overseen by the WMSC Chief Executive Officer. Upon approval and adoption by the Commissioners, this program standard will remain in effect until subsequently revised.

The WMSC will actively maintain an inventory of needed changes based on WMSC SSO staff experiences of implementing the WMSC Program Standard throughout the year. All WMSC SSO staff will be expected to actively maintain a list of needed improvements to the Program Standard and associated SOPs based on staff day-to-day implementation of the WMSC Program Standard. At the start of the annual review of the WMSC Program Standard, this list will be evaluated against the enabling legislation for legality and other prevailing technical guidance from FTA, as well as recommended practices per the National Transportation Safety Board (NTSB). Once synthesized, the WMSC Chief Executive Officer will present these changes to the WMSC Commissioners for approval through resolution. As part of this process, prior to bringing a final version to the WMSC Board for approval and adoption, the WMSC will solicit from WMATA any changes to the Program Standard that would enhance safety or emergency preparedness.

## Time Critical Changes to the Program Standard

If there are immediate changes to the Program Standard that cannot await the routine deliberations of annual Program Standard revisions, the WMSC Chief Executive Officer will advise the Commissioners of this need, citing motivation for such an immediate change(s) and the safety implications of not enacting these changes immediately. The WMSC Chief Executive Officer will seek the approval of the WMSC Board for such mid-cycle revisions prior to implementation. These changes will be communicated through written correspondence to the WMATA Chief Safety Officer and General Manager.

## Program Standard Distribution

The Chief Executive Officer of the WMSC will transmit each final WMSC Board-approved version of the WMSC's Program Standard to the General Manager/CEO of WMATA.

However, the WMSC will provide a draft of its revised Program Standard and will seek comments from the designated WMATA contact person(s) for safety and emergency preparedness. Recommended changes being sought are not to impact the WMSC's authority and state safety oversight implementation, but rather to better align WMATA practices that are governed by other regulatory or industry practices.

WMATA will have the ability to propose factual corrections to the Program Standard as it pertains to WMATA organization and functions.

The WMSC Chief Executive Officer will brief the WMSC Board on the proposed draft prior to transmittal to WMATA.

The WMSC Chief Executive Officer will transmit its Draft WMSC Program Standard, officially, with a cover letter to WMATA's Chief Safety Officer for further internal distribution for purposes of review.

WMATA will have thirty (30) days to provide its response from receipt of official transmission of such a Draft WMSC Program Standard.

The WMSC will have the sole discretion regarding incorporating WMATA-proposed revisions. Within thirty (30) days of receipt of WMATA response, or after the thirty (30) day deadline for WMATA's response has passed, the WMSC will finalize the final revised version of the WMSC Program Standard and submit for WMSC Board approval prior to implementation.

Final effective versions of the WMSC Program Standard will be distributed, officially, from the WMSC Chief Executive Officer to the WMATA Board, the WMATA General Manager and the WMATA Chief Safety Officer for further distribution internally, within WMATA.

Time critical changes that cannot be enacted through the routine review and approval process will be transmitted to WMATA as a directive, in writing, to the WMATA Board, the WMATA General Manager and the WMATA Chief Safety Officer.

All revisions to the WMSC Program Standard will be submitted to the FTA as part of the WMSC's annual report submission. The WMSC will submit this program standard and any referenced procedures to FTA, and maintain a revision log to the program standard.

The most current version of the WMSC Program Standard complete with a revision log will be distributed directly to the designated WMATA contact person(s) for safety.



## SECTION 3 Program POLICY AND OBJECTIVES

### WMSC Policy for WMATA Safety

WMATA Metrorail provides transportation services to millions of people each year and serves as a core pillar of both commerce and recreation in the National Capital Region. The safety of the WMATA Metrorail system is essential to the continued stability, prosperity, and growth of the region.

To ensure the safety of the Metrorail system, the WMSC is authorized and fully prepared to conduct the following activities<sup>2</sup>:

- Conduct investigations
- Issue subpoenas
- Taking legal action in a court of competent jurisdiction
- Issuing citations or fines
- Directing WMATA to prioritize spending on safety-critical items
- Removing a specific vehicle, infrastructure element, or hazard from the Metrorail system
- Restricting, suspending, or prohibiting rail service, with appropriate notice, on all or part of the Metrorail system
- Directing WMATA to suspend or disqualify from performing in a Safety Sensitive Position an individual who has violated safety rules, regulations, policies, or laws in a manner that the WMSC determines makes that individual unfit for the performance in such a position
- Take other such actions that the WMSC may deem appropriate consistent with its purpose and authority.

### WMSC Objective for WMATA Safety

The WMSC will achieve its objectives for WMATA safety through a variety of means:

- The WMSC Commissioners each have backgrounds in transit safety, transportation, relevant engineering disciplines, or public finance.
- The WMSC CEO has extensive safety expertise of the same nature, including training and practical industry experience.
- The WMSC personnel will possess skills, experience, and training to carry out all aspects of the WMSC Safety Oversight program effectively.
- The WMSC will seek contractor support to supplement the WMSC oversight program with necessary outside expertise.
- The WMSC has implemented and will maintain a robust Conflict of Interest policy to ensure the integrity of its Safety Oversight activities.
- The WMSC will clearly define the scope and nature of all its activities in detailed policies and procedures.
- The WMSC will be as transparent as practicable in its activities, while protecting safety sensitive information transparent in all its activities.

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<sup>2</sup> The order of the items in this list coincides with their order in the WMSC Compact Public Law 115-54. It does not imply a hierarchy or preferred order of activities. The WMSC's approach is to be collaborative to the extent practicable.

- The WMSC will build and maintain a strong and cooperative working relationship with WMATA Metrorail employees and management.
- The WMSC will judiciously use its enforcement authority to address safety trends and concerns promptly and effectively.

## SECTION 4 OVERSIGHT OF WMATA SAFETY PLANS AND INTERNAL SAFETY REVIEWS

This section of the WMSC Program Standard explains the WMSC's role in overseeing WMATA's execution of its System Safety Program Plan (SSPP), and any related safety reviews of Metrorail, per Title 49 CFR Part 674.25(b). This section explains the process the WMSC will use to receive and evaluate all materials pertaining to the preparation of the WMATA System Safety Program Plan/Agency Safety Plan, reports pertaining to performance of Internal Safety Reviews, and companion policies and/or procedures submitted under the signature of WMATA's Accountable Executive, and it establishes the procedures for WMATA to notify the WMSC prior to conducting an internal review of any safety aspect of Metrorail.

### WMATA SSPP Review

As required by Title 49 CFR Part 674.29, in determining whether to approve a SSPP, the WMSC shall evaluate whether the SSPP is consistent with Title 49 CFR Part 659.19, the National Public Transportation Safety Plan, and compliant with the WMSC Program Standard. In determining whether a SSPP is compliant with Title 49 CFR Part 674, the WMSC must specifically evaluate at least the following aspects of the SSPP. As outlined in FTA's Certification Tool Kit, these include:

1. Whether the SSPP is approved by WMATA's Board of Directors and signed by the Accountable Executive at WMATA;
2. Whether the SSPP sets forth a sufficiently explicit process for safety risk management, with adequate means of risk mitigation for Metrorail;
3. Includes a process and timeline for annually reviewing and updating the safety plan;
4. Includes a comprehensive staff training program for the operations personnel directly responsible for the safety of Metrorail;
5. Identifies an adequately trained safety officer who reports directly to the general manager;
6. Includes adequate methods to support the execution of the SSPP by all employees, agents, and contractors for Metrorail; and
7. Sufficiently addresses other requirements under Title 49 CFR Part 674.

### WMSC Guidance on Preparing a Compliant SSPP

The WMSC will make provisions either through a guidance tool or instructions to enable WMATA to prepare a compliant SSPP or revisions to the SSPP.

In the event that the WMSC does not approve a SSPP, the WMSC Chief Executive Officer will provide written explanation to the WMATA Chief Safety Officer and the General Manager and allow WMATA an opportunity to modify and resubmit its SSPP.

### WMATA Internal Reviews

This section of the Program Standard details the WMSC's requirements for WMATA in conducting internal Metrorail reviews.

The WMSC requires that WMATA conduct internal reviews of its SSPP. Over a three-year period, WMATA must review the implementation of all elements of the SSPP. In upholding its responsibility to oversee the WMATA internal safety review program the WMSC will participate, on occasion, in WMATA internal safety reviews, to observe the various components of the internal review program being executed. When it chooses to participate, the WMSC will notify WMATA when it intends to participate.

The WMSC requires that WMATA develop and document a process through an internal safety review procedure for the performance of ongoing internal reviews to assess SSPP implementation and compliance. This review procedure will be evaluated by the WMSC for sufficiency each time the procedure undergoes reviews and revisions. At a minimum, the internal safety review process must:

1. Identify WMATA Department with primary responsibilities for conducting such internal safety audit.
2. Be conducted by WMATA personnel trained not only in auditing but also in system safety, safety risk management, hazard management, and safety management systems.
3. Describe the process used to determine if all identified elements of its SSPP are performing as intended.
4. Determine if hazards are being identified in a timely manner.
5. Ensure that all elements of the SSPP are reviewed in an ongoing manner and completed over a three-year cycle.

Each calendar year, on or before a date designated by the WMSC, WMATA must submit a schedule detailing when it will review these elements, and provide specific scheduling details (at a minimum the month or quarter of anticipated schedule) for any reviews proposed to be held in the next calendar year.

WMATA must notify the WMSC at least 30 calendar days before the conduct of scheduled internal reviews. As schedule information becomes more certain, WMATA shall update the WMSC as soon as practical. WMATA must submit to the WMSC its review plan, including all checklists and procedures that it will use during the review, and identify WMATA personnel responsible for conducting the review.

As WMATA completes each review, it must provide a report under the Accountable Executive's signature to the WMSC within 60 days of the conclusion of the internal audit. The report must include the following information:

1. A summary of the internal review;
2. The completed internal review checklists;
3. Findings of the internal review with clear indication of whether each safety element is compliant with the SSPP or other relevant documentation; and
4. If, as the result of a review, WMATA determines that it is not in compliance with its SSPP, its Accountable Executive must identify the activities WMATA will take to achieve compliance, including suggested corrective actions to address the findings in accordance with the requirements contained in this WMSC Program Standard.

In accordance with Section 9, the WMSC shall review, approve, or decline to approve WMATA Corrective Action Plans (CAP) developed as a result of the findings identified in each WMATA internal review. The WMSC will enforce the completion of CAPs resulting from WMATA internal reviews and monitor WMATA's progress toward completion of the CAPs through all available means.

## WMATA Annual Internal Safety and Security Audit Report and Certification of Compliance with the SSPP

On or before February 1<sup>st</sup> of each year, WMATA must submit an annual safety review report to the WMSC. The final written report must include the following information:

1. A summary of all completed WMATA internal safety reviews performed during the past year;
2. The completed internal review checklists;
3. Findings of each internal review; and
4. An itemized list of corrective actions to address the findings in accordance with CAP requirements.

Within 30 calendar days of receipt of the report, the WMSC will approve, or state that it is unable to approve the report, in a written response. If the WMSC does not approve the report, WMATA will have 15 calendar days to address noted deficiencies and requested changes in the report and submit a revised report to the WMSC.

If the annual safety review report is approved by the WMSC, no further related actions will be required by WMATA for that annual period. The WMSC may, however, require other information or analysis relating to the safety review process as part of other aspects of the oversight program.

In the event WMATA objects to a noted deficiency or requested change from the WMSC, WMATA shall state its objections and suggest alternatives within 15 calendar days. While WMATA objections may not alter the intent or substance of a noted deficiency or requested change, the WMSC may correct factual errors when provided with justifiable corrections by WMATA. The WMSC and WMATA shall review the objections and suggested alternatives and agree to an appropriate course of action within 15 calendar days. These WMSC actions will be directed by the WMSC CEO and will also be brought forth to the WMSC Commissioners at the next meeting of the WMSC Board for approval. The revised and updated report shall be submitted to the WMSC Board for review and approval within 30 calendar days after agreement on a course of action.

WMATA may deliver the annual safety review report to the WMSC in an electronic format agreed to by the WMSC Chief Executive Officer. However, the report must be submitted in an unalterable format with all required approval signatures visible.

Along with the report, WMATA must also submit to the WMSC a letter signed by the WMATA Accountable Executive certifying that it is in compliance with the SSPP. This certification letter must describe compliance with all the provisions contained in the SSPP, and not just those elements that were subjected to internal audits in the previous year. For areas not in compliance, WMATA is required to identify the activities to be undertaken to achieve compliance. The WMATA internal safety review process will be required to address such non-compliance findings by requiring the affected departments within WMATA to propose pragmatic, timely corrective actions. These corrective actions also will be assessed for sufficiency by the WMSC and will be monitored and tracked by the WMSC until complete. The WMSC will verify that these corrective actions have been fully executed in the same manner that other corrective action plans (generated through investigations, special studies, hazard analysis, safety certification, triennial reviews) are enforced.



## Section 5 WMSC Audits and Inspections

### Audits and Inspection Procedure (WMSC SOP -1)

The WMSC audit and inspection program includes both regularly-occurring three-year safety audit activities and other audits and inspections, including those which may be performed in response to safety concerns. This section describes the WMSC's routine audit activities as well as audits and inspections that may be initiated at the WMSC's discretion in response to a safety event (including a near-miss), hazardous condition, trend, or pattern. Such audits and inspections may result in a final report containing findings and recommendations that shall be subject to the WMSC CAP Process.

### WMSC Three-Year Safety Audit Schedule

In compliance with Title 49 CFR Part 674.31, the WMSC must conduct a complete audit of WMATA's compliance with its SSPP at least once every three years, or on an on-going basis over the three-year timeframe. To fulfill this requirement, given the size and complexity of the WMATA Metrorail system, the WMSC will conduct on-going audits of the WMATA's compliance with the SSPP to cover all aspects of the SSPP during each three-year cycle.

### Coordination of WMSC Three-Year Audits and WMATA Internal Safety Reviews

WMATA implements an internal safety review program in accordance with the WMSC and Title 49 CFR Part 674 requirements. The WMSC triennial audits and the WMATA internal audits include many of the same functional areas within the agency. To maximize the efficiency of the review process and to help address WMATA concerns regarding the resources devoted to responding to audits and reviews, WMATA will be able to align its internal safety audit schedule with the WMSC audit schedule. In doing so, WMATA can achieve the same rigorous internal audit program as currently exists while not subjecting the operating and maintenance departments to additional audit burdens. WMSC, in allowing WMATA to seek out such efficiencies, will continue to preserve the integrity and independence of the WMSC audit process.

Although WMATA may conduct its reviews simultaneously with the WMSC, it is important to note that the WMSC audits and WMATA internal reviews serve different purposes. These two activities are conducted pursuant to separate provisions of Title 49 CFR Part 674. Although the WMSC audit and WMATA reviews may take place concurrently, the WMSC audit process will remain completely independent of WMATA, including:

- Determining which topic areas to review
- Requesting documents for review
- Interviewing WMATA personnel
- Reviewing WMATA records
- Observing WMATA processes and procedures in the field
- Writing a review summary report
- Issuing findings that require corrective actions

As the WMSC develops its review schedule, the WMSC will work with WMATA to take into consideration those departments that have been recently audited by WMATA's internal review program, to the extent possible.

### WMSC Three-Year Safety Audit Activities

Under the direction of the WMSC CEO the WMSC will work with WMATA personnel to schedule on-site audit activities during a period of time that is suitable for both parties. This process will include scheduling of specific audit periods, including interviews, records reviews, and field visits, for each topic being audited.

Prior to the on-site visit, the WMSC will develop and submit a request for procedures, plans, and other records that pertain to the specific area being audited. The WMSC will develop checklists or guides for the on-site audit activities as needed.

The WMSC will schedule entrance and exit briefings which describe the audit scope, schedule, methodology, and findings to all WMATA audit participants. The list of findings presented during the exit conference are preliminary and the final list will be provided in writing as part of the Triennial Audit Report.

WMSC under the direction of the WMSC CEO will review documentation pertaining to each function under audit, conduct interviews with WMATA personnel responsible for each audit area and observe WMATA equipment and activities to verify compliance with all relevant WMATA plans and procedures. WMSC will complete, as necessary, Metrorail roadway worker protection (RWP) training and any other training and certification required to conduct the audit. WMSC will comply with all applicable procedures and rules and will not enter the right-of-way or facilities without an authorized WMATA subject matter expert guide. However, in exigent circumstances related to concerns of imminent hazardous conditions, the WMSC has the regulatory authority to enter upon WMATA premises and adjacent facilities.

Urgent hazards or findings identified by the WMSC during the course of the audit will be immediately reported to WMATA for action. These urgent hazards and WMATA's proposed corrective measures will be brought to the WMSC Board's awareness by the WMSC CEO promptly as practicable.

Urgent hazards are ones that require immediate mitigation given the high probability that employees, Metrorail customers, the public, or the environment are in imminent danger of such a hazard occurring and with serious outcomes. For instance, sequentially placed tunnel fans in a contiguous section of the Metrorail tunnel system being inoperable is an urgent hazard. Construction debris that blocks the entrance to egress pathways in the WMATA Metrorail tunnel system is an urgent hazard. Both of these would require immediate mitigation by WMATA, which then need to be verified by the WMSC.

### WMSC Three-Year Safety Audit Findings

In any instance where WMATA is not operating in compliance with external or internal requirements, plans, rules, policies, standards, or procedures, the WMSC will issue a Finding (of Non-Compliance). For all findings of this variety, WMATA must create a suitable Corrective Action Plan and submit to the WMSC for approval prior to implementing such CAPs. If the WMSC approves the CAP, it will notify WMATA as such. Once approved WMATA will complete the requirement in the CAP(s) to achieve conformance with the applicable requirement.

For immediate or other significant safety hazards, WMATA need not wait for WMSC approval to take immediate hazard mitigation measures. However, WMATA must provide information, within

one (1) business day, on such CAPs that have been put in place due to exigent circumstances to mitigate imminent hazardous conditions. In cases where the WMSC is unable to approve a proposed CAP, the WMSC will work with WMATA on a case-by-case basis to help formulate a CAP that is acceptable. However, the best approach to reach the desired safety outcome will not be prescribed by the WMSC; rather, WMATA will be required to articulate the required actions.

Further, nothing prohibits WMATA from taking corrective measures. From a regulatory perspective, WMATA cannot officially state it has addressed the safety risk until WMSC has conducted its mandated activities pertaining to corrective action plan approval.

Additionally, the WMSC anticipates recommendations in which WMATA may technically be conducting business in compliance with existing WMATA, WMSC, or FTA procedures and requirements; however, the process is being carried out without written plans, policies, or procedures in place, or in a manner that is not in accordance with industry best practices. In other cases, the WMSC may identify findings where a certain practice or condition, if not addressed over time, might result in further degrading the safety profile to a point of non-compliance. Such conditions will be deemed by the WMSC as safety-critical in nature, and WMATA will be required to formally respond in writing and will be strongly urged to develop an appropriate CAP to update relevant plans, policies, rules, and/or procedures, or to address a particular identified resource or organizational issue. If WMATA determines that no CAP is necessary, WMATA must complete a hazard analysis in accordance with WMATA's approved procedure to justify the absence of a mitigation and to accept the level of risk associated with the recommendation. This entire process will be encapsulated in writing to the WMSC for further consideration and acceptance. The WMSC will determine the validity of such response and provide either approval or denial.

WMATA shall create, and the WMSC shall approve, or decline to approve, all CAPs in accordance with this Program Standard.

#### [WMSC Three-Year Safety Audit Report](#)

At the conclusion of each audit that is part of the triennial audit schedule, the WMSC will issue a draft audit report to WMATA containing all findings arising from the audit. WMATA must review the draft audit report and provide comments on the factual accuracy of the report to the WMSC within 30 calendar days. In turn, the WMSC will incorporate revisions as appropriate based on comments received from WMATA and issue a final audit report within 30 calendar days, under the direction of the WMSC Chief Executive Officer. WMATA must then develop suitable CAPs to resolve audit findings through the ongoing CAP process in accordance with this Program Standard.

At the conclusion of each three-year cycle, whereby the WMSC has conducted audits of all areas of the SSPP or the Agency Safety Plan, the WMSC will publish a single three-year audit report that encompasses all individual triennial audit reports prepared over the three-year cycle. This single report will be a compilation of all the triennial audit reports, and not an additional product or deliverable.

## WMSC Steps for Conducting Three-Year Safety and Reviews

### Pre-Review

Notification to WMATA ( > 60 days before audit)

Document Request (typically with notification)

Create and finalize schedule

Create audit checklists and provide to WMATA

Confirm documents received for review by deadline

Review documents and compile additional questions in checklists

Conduct internal WMSC coordination work session (1 week before audit)

### On- site Review

Interviews and discussion

Field observations / inspections (if needed)

Records reviews (if needed)

### Post-Review

Submit request for supplementary documents (if needed)

Complete Draft Report, submit to WMATA

Receive comments from WMATA, or discuss comments during meeting with WMATA (within 30 days after Draft Report)

Publish Final Report (within 30 days after receipt of comments)

WMATA submits CAPs (within 45 days after Final Report)

WMSC approves or rejects CAPs (within 30 days after receipt of CAPs)

### Other WMSC Inspections

In addition to audit activities, the WMSC reserves the right to conduct investigations and inspections at WMATA operations and maintenance facilities to assess compliance with Federal rules or standards and all relevant WMATA standards, rules, and procedures. The WMSC will also refer to national effective practices as criteria for its inspections. Inspections may include, but not be limited to those associated with the following:

- CAP verification
- Data-driven or audit findings driven observations, records reviews, or verification
- WMATA employees and contractors for compliance with WMATA rules and procedures
- WMATA rules compliance and operational testing programs for operations and maintenance employees in safety-sensitive positions, including supervisors and yard operations

- Safety and maintenance inspection of track, vehicles, traction power, and signal and train control systems, testing, and repair programs, and other equipment and facilities
- WMATA inspection, maintenance, and repair records of vehicles, track, signal system, communications equipment, stations, elevators/escalators, and various other infrastructure
- WMATA rail operations control center (ROCC) and the overall quality of the radio system and visual display systems used to support and monitor rail and bus operations
- WMATA roadway worker protection program
- Communication regarding maintenance and safety issues across WMATA departments and with WMATA executive leadership as well as WMATA Board of Directors (Metro Board Safety Committee Chair)
- Initial and refresher training programs for operations and maintenance employees in safety sensitive positions
- Implementation of WMATA fatigue management program
- Implementation of WMATA Close Call Reporting Program
- Supervision provided for operations and maintenance employees in safety sensitive positions
- WMATA information management systems to support enhanced safety risk assessment and hazard management activities
- The quality and effectiveness of WMATA plans, procedures, and training programs for managing emergencies, and ensuring the readiness of WMATA's front-line personnel and emergency responders
- WMATA's adherence to and implementation of its change management program
- WMATA's quality audits of its safety sensitive operations and maintenance activities
- Conduct inspections, investigations, audits, examinations and testing of the equipment, facilities, rolling stock and operations
- Investigation of any allegation of noncompliance with the System Safety Program Plan (SSPP) (Title 49 CFR Part 674.625(c))

The results of the WMSC inspections will be documented in inspection reports and will be shared with WMATA. Deficiencies identified during the WMSC inspections will be entered into the WMSC CAP process for tracking and resolution. The WMSC will require such deficiencies to be addressed through remedial actions such as enforcing existing practices and procedures or through requirement of new practices and procedures which will then be reviewed, approved, monitored and enforced in accordance with Corrective Action Plan approval, monitoring and close-out. Findings from WMSC inspection activities will be brought to the WMSC Board to inform the Board of emerging concerns and also for Board direction on additional work, if needed.

### Inspection Types

The WMSC may conduct both regular (scheduled) and targeted (priority-based, focused) inspections at WMATA. WMSC Inspectors reserve the right to conduct unannounced inspections.

The WMSC will notify WMATA prior to conducting routine inspections, notifying department contacts, and copying WMATA Quality Assurance Internal Compliance & Oversight (QICO), and Safety personnel. During the week of the scheduled inspection, the WMSC will contact the WMATA point-of-contact to confirm the date and time for the inspection(s). In the event that the WMSC

must conduct an immediate routine inspection, it will contact WMATA's departmental point-of-contact, at a minimum, the day prior to the inspection.

Based on data reported through ongoing surveillance, investigations, audits, or other oversight activities, the WMSC reserves the right to conduct targeted inspections. Targeted inspections may be limited in scope to a specific system or piece of equipment or a specific issue that may be systemic. The WMSC will provide notification of its intent to conduct a targeted inspection as soon as possible, recognizing that this could be same-day notification.

Regardless of the inspection type, each inspection will proceed while complying with applicable rules, procedures and regulations to ensure safety of the inspection team as well as the equipment and facilities.

### Inspection Results

WMSC, under the direction of the WMSC CEO, is responsible for notifying the appropriate WMATA representative of any concerns that require immediate attention. During the out-brief session, the WMSC will notify WMATA of non-compliances or defects from inspections and transmit findings to WMATA for appropriate resolution. WMSC will notify the WMATA Chief Safety Officer of such findings as well.

An inspection report will be produced following each inspection. Each Inspection Report will provide details of the inspection, any defects identified, as well as required actions, when necessary. The WMSC will inspect these areas in subsequent inspection activities to ensure that the mitigations have been instituted.

### Inspection Areas

The WMSC may conduct inspections in any and all WMATA Metrorail facilities, locations, records, documents, and electronically stored and classified records. Any WMATA Metrorail tangible assets, equipment, records, WMATA personnel to include contractor personnel performing work on behalf of WMATA, WMATA documents, or intangible electronic records to include electronically stored downloadable records have the potential to be the subject of a WMSC inspection. A sampling of such inspections is noted below for context:

- Car Maintenance
  - Daily Safety Tests
  - Periodic Inspections
- Elevators and Escalators
- Rail Operations Control Center
  - Radio Rules Compliance
  - Standard Operating Procedure Compliance
    - Responsibilities
    - Emergencies/Unusual occurrences
    - Maintaining service during emergencies
    - Operation from other than lead car
    - Resumption of normal services
    - Procedure for Operation of Emergency Trip Station

- Office of Rail Transportation and Office of Train Operations
  - Door Operations/Station Servicing Procedures Compliance
  - Preparing Trains for Service
  - Safety Stops
  - Signal Adherence
  - Rail Car Securement
- Office of Plant Maintenance
  - Emergency Tunnel Evacuation Cart Inspection
  - Emergency Egress Inspection
  - Monthly Tunnel Ventilation Inspection Compliance
  - Annual Tunnel Ventilation Inspection Compliance
  - Dry Standpipe Testing
- Office of Systems Maintenance
  - Emergency Trip Station Inspections and Testing
- Roadway Worker Protection
- Automatic Train Control
  - Cable Insulation Resistance Testing
  - Track Circuit Shunt Verification Testing
- Track
- Track Walking Inspection
- Track Geometry Inspection
- Traction Power

## SECTION 6 WMSC OVERSIGHT OF MAJOR CAPITAL PROJECTS

### Capital Project Oversight Procedure (WMSC SOP - 002)

In addition to audits and inspections of WMATA described in this Program Standard, the WMSC may conduct a variety of oversight activities pertaining specifically to major capital projects. This section describes WMSC activities related to oversight of WMATA's Safety Certification program, system modifications and expansions, and Pre-Revenue Service Reviews.

Per the definition of the "WMATA rail system" found in the WMSC enabling legislation enacted in August 2017, "Metrorail" means the rail system and the rail transit agency and all other real and personal property owned, leased, operated, or otherwise used by WMATA Metrorail services and shall include WMATA rail projects under design or construction by owners other than WMATA.

#### Scope

In the following section regarding Safety Certification, the WMSC's role is in overseeing the Safety Certification activities only, not security certification.

#### Oversight of Safety Certification Program

WMATA is required to have a Safety Certification program to ensure that safety concerns, hazards, and vulnerabilities are adequately addressed in major capital projects directly affecting operation of the Metrorail system prior to the initiation of passenger operations. This includes New Starts and all other subsequent projects to extend, rehabilitate, or modify an existing Metrorail system, or to replace its vehicles, equipment and systems. The WMSC shall provide general review and oversight of the Safety Certification process. The WMSC may request WMATA, and other project sponsors for various Metrorail capital projects, to submit relevant plans and documentation to the WMSC for review and comment on all components subject to the SSC process. The WMSC shall participate in SSC-related meetings and document reviews, and may issue specific findings, guidance, and/or directives to WMATA and/or the project sponsors to address safety issues related to certifiable elements and certifiable items and temporary approved equivalents.

The WMSC's role in oversight of the Safety Certification process, as described above, extends beyond the existing WMATA Metrorail system to include such projects as Phase Two of the Silver Line, now being constructed by the Metropolitan Washington Airports Authority (MWAA); the project is known locally as the Dulles Corridor Metrorail Project (DCMP). In this role, the WMSC frequently attends project meetings that pertain to safety certification, observes test activities, and oversees the Safety Certification process. Furthermore, the WMSC will conduct various Pre-Revenue Reviews and assessments to confirm the readiness of WMATA to accept the newly built sections into the Adopted Regional System (ARS), or for facilities and structures to be incorporated into the Metrorail system operations.



## Oversight of System Expansions and Modifications

In order to assess the safety of new projects, and to verify associated monitoring processes within WMATA or the project owner, the WMSC may review major modifications and expansions, and other projects likely to have a significant safety impact on the Metrorail system. Documentation regarding the following types of expansions or modifications shall be submitted for WMSC review:

- New starts or system extensions, specifically including the Dulles Corridor Metrorail Project
- Major reconstruction of existing lines
- Major redesign and installation of system components
- New or significantly reconstructed maintenance and operating facilities
- New vehicle procurements or mid-life overhauls
- Other projects deemed to have significant safety implications, including projects implemented by other project owners that have a direct impact on WMATA operations
- Any new or rehabilitative work associated with automatic train control, rail operations control center

The review and oversight by the WMSC will depend significantly on the type of system expansion or modification under review. The WMSC may review any and all development phases of applicable projects including:

- Project Planning
- Preliminary Engineering
- Final Design
- Procurement
- Construction
- Operations and Maintenance Procedures and Plans
- Training
- Testing
- Pre-Revenue/Start-Up
- Rail Activation

The WMSC review may include each of these phases, so that any safety-critical issues can be resolved as early as possible, to avoid or minimize the need for retroactive modifications and retrofits. This approach should allow WMATA and/or the project owner to resolve safety issues in a timely manner, so as not to delay the project implementation schedule.

When the WMSC determines that such a review is timely and appropriate, it will provide written notice to WMATA that includes both a request for scheduling and for relevant documentation.

In reviewing each phase of a major system expansion or modification listed above, the WMSC will focus its resources on providing an independent review of safety-critical system elements and activities, in addition to the more general aspects of a project that could affect the safety of existing operations. The materials that the WMSC will review throughout the project may include the following:

- Planning Studies (that evaluate alternatives and define a project's scope)
- Design Criteria and Standards Manual
- Design Documents

- Various analyses that would impact design and operations (i.e., Preliminary Hazard Analysis, Operational Hazard Analysis)
- Safety Certification Plans, including Certifiable Elements and Items lists, Compliance Checklists, Hazard Log and Open Items List
- Project Management Plans (required on major FTA-funded projects)
- Configuration Management Plans
- Construction Plan and Schedules
- Operating Changes and Plans during Project Construction
- Transportation & Maintenance Operating Procedures
- Training Programs and Procedures
- Integrated Test Program
- Emergency Procedures
- System Safety Reviews

After the review of a particular project phase has been completed, the WMSC will provide an immediate oral briefing to WMATA and/or project owner/responsible party and may issue a draft report detailing its findings– if necessary – within 45 calendar days. Any WMATA and/or project owner/responsible party comments shall be provided within 15 calendar days, with an WMSC Final Report issued no more than 30 calendar days subsequent.

The WMSC may continue to review each phase of the project until its completion, at which time the expansion or modification will be incorporated into the WMSC’s three-year audit of WMATA’s operating and maintenance activities.

### Pre-Revenue Service Audit

The WMSC may conduct an on-site Pre-Revenue Service Audit (PRSA) of any major project related to the Metrorail system. This audit will be conducted after substantial completion of the project for an existing system, but prior to it being placed into passenger service. This assessment will focus on the SSC process as well as operational/maintenance readiness, and preparations to ensure safe and secure passenger service.

This audit is designed to assess the safety of the project and the readiness of WMATA’s associated safety, operational, and maintenance procedures and preparations. For the Silver Line, MWAA is required to follow the safety certification process described in the MWAA Safety and Security Management Plan (SSMP) and WMATA is required to follow its Safety & Security Certification Plan (SSCP) and any project specific documents. After the Operational Readiness Date (ORD), WMATA must follow the process described in its Safety and Security Certification Program Plan (SSCPP). These processes are designed to ensure that safety-related elements and items that comprise the project at each phase (from design to revenue operations) identified on the Safety Certifiable Items Lists (SCIL) have been verified as completed and/or safe and secure, or that there are appropriate temporary approved equivalents in place. These SCIL elements and items include physical systems and facilities that make up the new rail lines, as well as documents, plans, and training and certification programs.

The WMSC will use the PRSA to ensure that appropriate processes are in place to complete the Safety Certification process. The WMSC will also audit the mitigation of hazards and vulnerabilities and assess general operational and maintenance readiness. Before revenue service begins, WMATA shall submit the Safety and Security Certification Verification Report to the WMSC for concurrence. Once WMSC under the direction of the WMSC CEO has verified that all hazards have been appropriately mitigated either through permanent corrective actions that have been approved by the WMSC or temporary approved equivalents approved by the WMSC, a recommendation will be made to the WMSC Board by the WMSC CEO for providing its approval for concurrence to be forwarded to the Federal Transit Administration for revenue operations to begin.

The WMSC intends for these audits to be a cooperative and productive exercise, consisting of topic-specific site visits and observations, meetings with relevant personnel, and document/records reviews. The audit team will maintain some flexibility to account for unforeseen scheduling and logistic conflicts and to minimize disruption to the routine duties of WMATA and/or other personnel and contractors.

The result of the audit will be a written report with findings. The WMSC's position is that, through a strong Safety Certification Program, WMATA will already be aware of and addressing many, if not most, of the findings that the WMSC identifies during the audit. The WMSC may issue findings regarding incomplete certifiable items or may require an approved equivalent prior to the start of revenue service, or other safety-related issues that require action prior to passenger service. The WMSC will identify findings via the following means:

1. Ongoing feedback during the on-site audit process, including discussions and meetings with appropriate managers
2. A verbal summary of identified findings during a close-out briefing at the end of the on-site assessment, with a special focus on any near-term issues that may need to be resolved prior to revenue operations
3. A bullet list summary of findings and recommendations to be issued within one week of the conclusion of the on-site audit
4. A draft report issued to WMATA within 30 days of the conclusion of the on-site audit, with a final report to follow

WMATA is expected to follow the same process as findings resulting from other audits in responding to such findings (see WMSC audits and inspections).

## SECTION 7 ACCIDENT NOTIFICATION

This section describes the requirements for WMATA notification and reporting of Metrorail accidents, incidents, or occurrences per the definition provided in Title 49 CFR Part 674.7 to the WMSC. This section establishes a standard set of instructions and criteria for WMATA to follow when notifying and reporting rail safety events to the WMSC. As the designated state safety oversight agency for WMATA Metrorail, the WMSC has authority to conduct investigations into accidents and other safety events involving rail equipment, rail work equipment, rail infrastructure, rail employees, and rail systems. WMATA will be required to comply with all federal and state reporting requirements for other regulatory agencies; however, notifications to the WMSC are mandated as stated in the following section. For purposes for easy reference, “reportable” here denotes reportable per FTA 49 CFR 674 and the WMSC Program Standard.

### General Responsibilities

1. WMATA is responsible for following the requirements outlined in this Program Standard and must make notifications of safety events as per instructions provided herein.
2. The WMSC is responsible for establishing safety event notification requirements, overseeing WMATA’s compliance with the requirements set forth in this Program Standard, and making the determination of whether the WMSC will participate in or lead the safety event investigation.
3. The WMSC is responsible for following up with WMATA to obtain additional data and information on the safety event, tracking, and monitoring of this data and information.

### General Requirements

1. WMATA must identify the department/individual responsible for rail safety event notification and reporting.
2. For the purposes of WMATA notifications, the phrase “safety event” refers to those items listed in the Safety Event Notification Matrix in Appendix A.
3. Within the time frame specified in the Safety Event Notification Matrix in Appendix A, WMATA must provide an email notification of the safety event. WMATA must include the specific safety event code and description in the email notification. This email notification must be preceded by a telephone notification. It is of the utmost importance that WMATA initiate the notification process as soon as possible such that the WMSC is provided time to decide if it will respond to the scene to investigate the event.
4. The WMSC will follow up with WMATA for additional details as necessary and will notify WMATA expeditiously if it intends to report to the accident scene for the start of the investigation.
5. The WMSC will meet with WMATA, monthly, to review a summary and status of all reported safety events; the WMSC will document this monthly meeting in a written summary. The summary of this monthly safety event meeting will serve as a record of all reported safety events.

## Accident Notification Method

WMATA must report all incidents that fulfill the criteria outlined in the Safety Event Notification Matrix in Appendix A in the timeframe and manner specified for each safety event type.

For urgent notifications regarding high profile events, telephone notifications are required. The “Accident” types contained in *Title 49 CFR Part 674 Appendix for Notification of Accident, Incidents and Occurrences* are considered high profile events by the WMSC. WMATA must contact the WMSC-designated representative in the specified timeframe. A voicemail may be left with the designee if necessary. The WMSC also requires that WMATA provide an email notification to the WMSC’s email distribution list. These notifications to the WMSC have to be in compliance with the timeframes denoted in the Safety Event Notification Matrix in this Program Standard. Reporting to other oversight agencies such as the NTSB and OSHA may be required, depending on the nature of the event.

In the voice and email initial notification, the WMSC requires information on the topics identified below:

- Name and contact information of the caller
- Date and time of the event
- Event type
- Location of the event (and direction of travel, if applicable)
- Vehicle identifying information for all vehicles involved
- Number of fatalities
- Number of injured persons requiring medical attention
- Property damage (estimated, in dollars, if available)
- Event description
- Description of investigation activities already conducted and immediate mitigations
- Determination of cause, if available

The WMSC may respond to the scene of significant events at the discretion of the WMSC Chief Executive Officer to participate in or observe investigation activities.

## Notifications to the Federal Transit Administration (FTA)

Per 49 CFR Part 674.33, within the time frame specified in the Safety Event Notification Matrix in Appendix A for “Accidents” only, WMATA must also comply with the FTA Two-Hour Accident Notification requirements. This must be accomplished by adding the FTA as a cc. on the WMSC accident notification emails via the U.S. Department of Transportation Crisis Management Center (CMC) to [CMC-01@dot.gov](mailto:CMC-01@dot.gov) .

## SECTION 8 ACCIDENT INVESTIGATIONS

### Investigations – (WMSC-SOP-005)

The WMSC is required to investigate, or cause WMATA to investigate, all accidents. Additionally, the WMSC requires that certain other safety events are investigated, as detailed in the Safety Event Notification Matrix in Appendix A. This section of the Program Standard provides the procedures for the investigation of accidents and other safety events requiring an investigation. The procedures described in this section for accident investigations apply equally to any other safety events requiring an investigation pursuant to the matrix in Appendix A.

The WMSC is ultimately responsible for the sufficiency and thoroughness of all investigations required by this Program Standard, regardless of whether an investigation is conducted by the WMSC or by WMATA. Because of this overall responsibility, the WMSC is effectively overseeing all investigations, even when the WMSC chooses not to conduct an investigation itself. This section of the WMSC Program Standard describes the process through which the WMSC will exercise this oversight.

The purpose of safety event investigation is to gather and assess facts to determine the cause(s), and to make recommendations from which CAPs can be proposed to prevent recurrence of a similar safety event. These can consist of short-term mitigations (that WMATA completes quickly, often before the investigation report is finalized) and longer-term CAPs (that require WMSC approval, monitoring, and verification of completion).

The WMSC has developed enhanced investigation procedures in accordance with MAP-21 requirements. The WMSC's investigation procedures will provide a framework for WMATA's own investigation procedure. The WMSC will review and formally approve WMATA's investigation procedure on an annual basis to ensure that it addresses any observed gaps in process and remains aligned with the WMSC program standard.

From the outset of an investigation of any reportable safety event, WMATA shall:

- a. Notify WMSC Staff when additional investigative activity beyond the initial on-scene activity is conducted by a WMATA team, personnel or panel, including but not limited to performing interviews, questioning witnesses, or conducting inspections, measurements, examinations, or tests, as part of the investigation; and
- b. Provide for WMSC Staff's participation to the fullest extent achievable in all investigative activities, and make all information related to the investigation available to WMSC Staff at any time.

When safety event occurs, WMATA will initiate and conduct the investigation, unless notified that the WMSC intends to conduct the investigation. When the WMSC participates in these investigations, the WMSC will coordinate with appropriate/designated WMATA personnel, and the activities of the WMSC and WMATA will be subject to all applicable law governing the disclosure and protection of information. Regardless of which entity conducts the investigation, a report will be prepared for all accident and certain other safety events as specified in the matrix in Appendix A. These reports will be submitted to the WMSC for its Commissioners to consider and adopt.

For each investigation required by the Program Standard that WMATA conducts, WMATA shall investigate in accordance with this Program Standard using investigation procedures approved by

the WMSC. Each such investigation shall be documented in a final report that includes a description of investigation activities, findings, identified causal factors, and Corrective Action Plans (CAPs). WMATA shall provide monthly status reports to the WMSC that document investigation activities and findings. The investigation report shall be submitted to the WMSC within 60 calendar days following the date of the safety event, unless the WMSC has agreed in writing that the complexity or comprehensiveness of the investigation demand more time for a thorough effort into determining the causal factors. The WMSC will review and formally approve each investigation report. Each final report will be brought to the WMSC Board for approval and adoption as the Commission's own investigation.

From time to time the WMSC may require WMATA to conduct an investigation of and/or prepare an investigation report for a safety event (whether listed in the matrix in Appendix A or not) that would not otherwise require an investigation or report.

The remainder of this section addresses the WMSC's own process for determining to conduct its own independent investigation, the role of the WMSC in supporting any investigation conducted by the NTSB or FTA, and how causal factors that are identified will be incorporated into the WMSC Program implementation; and procedures for balancing confidentiality and transparency.

All WMSC personnel conducting investigations shall be trained and certified in accordance with the Public Transportation Safety Certification Training Program and all other relevant contemporaneous accident investigation techniques and effective practices.

WMSC staff teams conducting investigative activities will consist of WMSC SSO personnel, or a combination of WMSC SSO personnel and WMSC contractor personnel, or consist of WMSC contractor personnel acting on behalf of and as agent of the WMSC. Each investigation will be under the direction of the WMSC Chief Executive Officer. WMSC representatives, to include permanent WMSC staff and contracted staff, have the authority, training and expertise to conduct investigation activities under the direction of the WMSC Chief Executive Officer including rights to access all WMATA property, equipment, systems, records, personnel, and contractor personnel.

For some accidents or other safety events, the WMSC may decide to conduct a fully independent investigation, separate and apart from WMATA. This may be due to the severity of the event, particular circumstances surrounding the event, or the potential for a conflict of interest with the investigation. If it deems appropriate, the WMSC shall conduct its own, independent investigation in accordance with the WMSC Accident Investigation Procedures. If the WMSC investigates, WMATA may also conduct its own concurrent investigation. This in its entirety will be carried out under the WMSC Chief Executive Officer's direction.

The WMSC will follow Title 49 CFR Part 674.23 in releasing any materials pertaining to completed and adopted investigation reports.

The WMSC will follow its document release policy, which is modeled after the Federal FOIA and its exemptions and exclusions pertaining to ongoing investigations.

The WMSC will maintain all open investigation reports and related records submitted to it, per the Freedom of Information Policy (FOIA) Policy, as Title 49 CFR 674.23 prescribes. In the case of NTSB investigations to which the WMSC is a party, the WMSC will consider the investigation open until the NTSB publishes a final report.

The WMSC Freedom of Information Policy and the WMSC Open Meetings Policy each describe transparency criteria with which the WMSC must comply and describe instances in which various investigative materials and other sensitive information arising during an open investigation can be protected until the WMSC Board concludes any relevant investigations and adopts its conclusions and findings.

#### Draft and Final Investigative Report Content

All draft and final investigative reports produced for the WMSC (and referenced throughout this section) must contain, at a minimum, the following information, if relevant to the investigation:

1. Event description
2. Notifications
3. Incident response and command
4. Precipitating event
5. Immediate corrective actions / mitigation strategies
6. Operator status information
  - a. Fatigue evaluation
  - b. Training
  - c. Post-event testing
7. Investigation records
  - a. Operator or responding individual report
  - b. Field supervision report
  - c. Employee record / work history
  - d. Post-event safety inspection
  - e. Data analysis
  - f. Factors causing or contributing to the incident
  - g. Corrective Action Plans being proposed to address causal factors
  - h. Findings

More information may be included, based on WMATA's investigation procedures or external recommendations (such as APTA accident investigation procedure standards, RT-SOP-002-02). Likewise, the WMSC may request more information about an accident or other safety event, including trends.

#### WMATA Authorized by the WMSC to Conduct Investigation on Its Behalf

In accordance with Title 49 CFR Part 674.27, the WMSC may order WMATA to conduct an investigation. Depending on the circumstances of the safety event, the WMSC may require WMATA to convene an Accident Investigation Committee in line with the procedures contained in its SSPP.

The WMSC requires that WMATA investigate for WMSC reportable safety events in addition to those accident types for which the FTA mandates an investigation per Title 49 CFR Part 674 Appendix A. Such investigations must include the final accident report content as noted above. In each case, a clear and objective identification of cause must be made, and the report content requirements above must be met.

The WMSC will accept investigation reports that do not contain new CAPs when existing CAPs already address the causes identified in the accident; when this is the case, WMATA must identify the existing CAPs that address the causes identified in the accident. The WMSC is authorized to obtain or observe any material created, compiled, or otherwise used by WMATA as part of its



investigation. In line with the WMSC policies, any such material will be treated as confidential while the investigation remains on-going.

Accident investigation reports, comprised of reports from operations, maintenance, etc., as appropriate, and Safety and Environmental Management Department investigation documentation as appropriate, must be sent to the WMSC according to the following schedule:

1. **Initial Notification:** Basic information about the reportable event must be transmitted verbally and via email to the WMSC, as set forth in Section 7.
2. **Preliminary Report:** As soon as possible after the event, but within three (3) business days, from the event date, WMATA must email preliminary written information, including any investigation summary information, preliminary reports from field personnel, and other available information.
3. **Investigation Status Report:** The WMSC may, at its discretion, request from WMATA a report indicating the status of an investigation, including any significant new reports or report components, and any preliminary investigation conclusions within ten (10) days of the safety event. ~~Within 60 calendar days after the event, if the investigation process is not complete, WMATA will update Investigation Status Reports on an online shared site.~~ Extension request including an adjusted schedule for the completion of investigations will be prepared when reports require additional time to be completed. The WMSC Chief Executive Officer or designee may consider additional time based on the severity, complexity, and unique investigative demands of each incident. ~~Status reports will reside in a shared electronic site which WMSC and WMATA will use as a common platform to share information on investigation status.~~
4. **Draft Final Investigation Report:**, Within 60 calendar days of the occurrence of the event being investigated, WMATA Safety personnel must submit to the WMSC a Draft Final report authored by the safety department or its authorized representative. If needed the WMSC may submit questions on or identify missing information to WMATA for resolution. Once these questions have been resolved, the WMSC Chief Executive Officer may *approve* the Draft Final Report in writing for technical sufficiency. Note that WMSC approval does not constitute closure of the investigation (see no. 5, below).
5. **Final Investigation Report:** After WMATA has received the WMSC approval of the Draft Final report, it may issue a Final Report, which the WMSC Board may then formally approve and adopt. Per Title 49 CFR Part 674.35(b), upon formal adoption of the Investigation Report the WMSC must issue a written report on its review of the WMATA investigation, describing investigation activities, factors that caused or contributed to the safety event, and corrective action plans as necessary. If WMATA does not concur with the WMSC's review of the incident investigation, WMATA may submit a written dissent from the report which may be included in the report at the discretion of the WMSC Chief Executive Officer.

If the WMSC requires more information or documentation to approve a report, it will notify WMATA. The WMSC may periodically provide WMATA with a copy of its safety event tracking database to outline what report documentation has been received and what additional documentation it has requested for each open investigation. If the WMSC requests changes to the report, WMATA shall make revisions according to a jointly determined timeframe developed on a

case-by-case basis, under the direction of the WMSC Chief Executive Officer. The WMSC will typically submit its questions on Draft Final Reports via comment sheets to WMATA, using the shared site, online. The WMSC requests that responses to its questions be provided via the comment sheet and/or a revised Draft Final Report or Final Report. The WMSC will consider the comment sheet responses an addendum to the Final Report it receives and part of the adopted investigation. Additional details about the investigations process is described in the WMSC Accident Investigations procedure.

Investigation reports must be delivered to the WMSC electronically as a .pdf (or some other unalterable format) with all required WMATA signatures visible.

#### WMSC-Conducted Investigation

All WMSC personnel have authority under the WMSC Program to conduct investigations and evaluate records, materials, data, analysis, and other information pertinent to the investigation. WMATA will provide to the WMSC investigation team the resources and information necessary to conduct the investigation in an effective and efficient fashion.

The WMSC on-site team will wait until WMATA and/or other emergency response personnel have established Incident Command at the scene before commencing its on-site investigation. The WMSC reserves the right to request that WMATA preserve the scene avoiding removal of damaged equipment, or not rerailling equipment, not conducting clean-up of debris, ensuring all electronic records are preserved without being overwritten until WMSC arrives, and personnel involved in the event be available for interviews in a manner that does not delay post incident testing.

WMSC investigation personnel will conduct field analysis, operational surveys, interviews, record checks, data analysis, and other on-site and off-site tasks which may be necessary for a comprehensive investigation. The WMSC will also assess compliance with operating rules and procedures; conduct follow-up interviews (if required); analyze employee records and the results of post-event drug and alcohol tests; and conduct vehicle and equipment inspections. The WMSC will comply with its own investigations protocols described and referred in this Program Standard, as well as the American Public Transportation Association's (APTA's) Operating Practices standard RT-OP-002-02: "Recommended Process for Performing Rail Transit Accident/Incident Investigations."

Within 45 calendar days of completion of the on-site and off-site investigation, the WMSC investigation team will prepare a draft investigation report containing information on the investigation activities, factors that caused or contributed to the event, and a corrective action plan if necessary or appropriate. The draft investigation report will be provided to WMATA for its review. Comments will be due to the WMSC within 30 calendar days. A final investigation report will be issued by the WMSC within 45 calendar days of after receipt of WMATA's comments.. If WMATA does not concur with the WMSC's report, WMATA may submit a written dissent from the report which WMSC will include in the report.

Any urgent findings/hazards identified while an investigation is ongoing will be brought to the immediate attention of WMATA so that it can take action.

## Investigation Conducted by Other Agencies

Depending on the circumstances of a safety event, another agency such as the NTSB might conduct an investigation utilizing its own procedures and personnel. In the event of an NTSB investigation, the WMSC shall request party status to the investigation. The WMSC will support the NTSB investigation. WMATA shall ensure that the WMSC receives a copy of all information that it provides to the NTSB during the investigation, and WMATA shall also ensure that the WMSC receives all NTSB reports and any recommendations related to the investigation. The WMSC will assist the NTSB by providing information requested about WMATA critical practices and other matters as appropriate. WMSC may prepare a party submission to the NTSB.

The WMSC will participate in any discussions and reviews between WMATA and the NTSB pertaining to any Metrorail safety event. The WMSC and WMATA will review the NTSB findings, draft report, and final report, and the WMSC Chief Executive Officer will determine whether or not to recommend to the WMSC Board to adopt the NTSB report and recommendations. Should the NTSB recommendations be adopted by the WMSC, WMATA shall implement corrective measures to address causal factors and recommendations. WMATA will propose corrective actions to address each of these recommendations. The WMSC will be governed by its corrective action plan procedures in reviewing, approving, and monitoring the completion of these corrective action plans that emerge as a result of these recommendations.

If the FTA conducts an investigation of a WMATA Metrorail event, the WMSC will participate in such an investigation, adhering to FTA's protocols for such participation. Participation by the WMSC, in such an FTA investigation, does not eliminate or preclude the WMSC from conducting its own independent investigation to include drawing conclusions on causal factors and requiring WMATA to take corrective measures to address such causal factors.

Any recommendations that lead to corrective action plans associated with an FTA-led investigation will be assessed by the WMSC prior to being incorporated into the WMSC's Corrective Action Plan tracking mechanism for monitoring progress and closure.

Further, the WMSC recognizes that the FTA Administrator may assess the soundness and sufficiency of any investigation either overseen or independently conducted by the WMSC.

## SECTION 9 CORRECTIVE ACTIONS

### Corrective Action Plans (**WMSC SOP 003**)

This section of the WMSC Program Standard explains the process and criteria by which the WMSC will order WMATA to develop and carry out a Corrective Action Plan (CAP); the procedures for the WMSC to review and approve a CAP; the WMSC's policies and procedures for tracking and verifying WMATA's compliance with the CAP; and the procedure for managing conflicts between the WMSC and WMATA regarding either the development or execution of a CAP, or investigation findings. The WMSC's oversight of WMATA corrective actions is in accordance with Title 49 USC §5329(e) and Title 49 CFR Part 674.

## CAP Development

In any instance where WMATA must develop and execute a CAP, the WMSC must review and approve the CAP before WMATA may carry out the plan. The exception to this prior review and approval is in the event of immediate or emergency corrective actions that must be taken to ensure immediate safety – provided that the WMSC has been given timely notification and provides subsequent review and approval. WMATA must notify the WMSC of immediate or emergency CAPs as soon as practical.

## CAP Sources

While this is not a comprehensive list, WMATA should be aware the myriad sources of CAPs, including:

1. WMSC investigations or audits;
2. Safety event investigations;
3. Hazard investigations;
4. WMATA internal safety reviews;
5. WMATA risk identification or mitigation programs, such as:
  - a. Safety committees;
  - b. Customer service complaints;
  - c. Board meetings;
6. NTSB investigations;
7. FTA investigations, audits, or reviews;
8. External bulletins or advisories;
9. Other events that require WMATA to correct an identified safety hazard or deficiency; and,
10. WMATA OIG investigations and audits.

## Required CAPs

WMATA shall develop a CAP for the following:

1. Results from investigations in which identified causal factors are determined by WMATA, the WMSC, FTA, GAO, Commonwealth of Virginia, State of Maryland, District of Columbia, US Congress or NTSB as requiring corrective actions;
2. Hazards or deficiencies identified from safety reviews performed by WMATA, the WMSC, or other agencies such as the FTA or NTSB;
3. Results from FTA or NTSB special advisories, or the WMSC special audits;
4. Results from three-year safety audits conducted by the WMSC identified as requiring corrective actions;
5. Hazards identified through the WMATA Safety Measurement System; and
6. Pre-Revenue Service Audits.

Per System Safety and Hazard Identification, Resolution and Management, WMATA must conduct analysis of operational and maintenance data, as well as safety event history, to determine the existence of trends or failures that are prevalent or pervasive in the rail system. Upon discovery of such systemic failures, WMATA must develop a CAP within 30 days of discovery of recurrence of such failure events. Typically, a recurrence of a safety failure two times would be considered a trend. For instance, a near miss event arising from a rule violation.

As previously noted, CAPs may stem from many sources. Either the WMSC or WMATA may identify the need for additional corrective action plans, outside of those required in this Program Standard. If the WMSC identifies a need for a corrective action plan outside of its published procedures, it will notify WMATA in writing. The WMSC Chief Executive Officer may also request a CAP for any other hazardous condition that **the WMSC Chief Executive Officer determines** requires immediate attention.

### Corrective Actions Related to Design, Construction, and Testing in Major Capital Projects

For major capital projects, WMATA must conduct Preliminary Hazard Analyses and other studies. Through this process and during Safety Certification, WMATA or the WMSC may identify hazards requiring mitigations. These deficiencies will be addressed through the project-specific procedures developed by WMATA and approved by the WMSC, or FTA PMO (for projects with a budget that is \$100 million or more).

### Formulating CAPs

CAPs must be formulated in accordance with this Program Standard. Timeframes identified in this procedure refer to WMATA's development of a CAP. The timeline for actual implementation of the plan will vary according to the issue being addressed. The WMSC recommends that WMATA evaluate each proposed CAP through an interdepartmental committee to ensure that all parties are satisfied with the planned action and that it does not introduce unforeseen hazards into the system.

### Hazard Analysis for Proposed CAPs

WMATA shall prepare hazard analysis for any deficiencies it determines do not require a corrective action plan demonstrating that such deficiencies do not present an "Unacceptable" hazard to WMATA Metrorail.

### Required CAP Elements

At a minimum, each CAP shall include:

1. Date the CAP was generated;
2. Unique CAP identifier;
3. Source;
4. Description;
5. Hazard rating;
6. Estimated cost and funding strategy, if known;
7. Interim mitigations in place (if applicable);
8. Anticipated completion date; and
9. Responsible party/department.

### CAP Approval

CAPs will not be considered by the WMSC for approval and inclusion in its tracking mechanism until all the above information has been provided. The WMSC's decision to approve, conditionally approve, or decline to approve a CAP will be provided to WMATA within 30 calendar days after its receipt. Whether the WMSC approves or disapproves of a given CAP may be shown through written correspondence, or simply as an indication on a tracking log that a CAP is "Acceptable" or "Unacceptable."

If the WMSC approves the CAP, it will notify WMATA as such.

For immediate or other significant safety hazards, WMATA need not wait for WMSC approval to take immediate hazard mitigation measures. However, WMATA must provide information, within one (1) business day, on such CAPs that have been put in place due to exigent circumstances to mitigate imminent hazardous conditions. In cases where the WMSC is unable to approve a proposed CAP, the WMSC will work with WMATA on a case-by-case basis to help formulate a CAP that is acceptable. However, the best approach to reach the desired safety outcome will not be prescribed by the WMSC; rather, WMATA will be required to articulate the required actions.

If WMATA determines that another course of action is more appropriate than initially proposed and approved by the WMSC, then WMATA must submit a new CAP, including its evaluation and justification of the change, for the WMSC's approval. RTA safety personnel and the department responsible for the CAP shall submit a joint letter or memorandum outlining (1) the substantive factors and considerations that have led to the request; (2) the procedural steps taken to ensure meaningful input from internal subject matter experts and affected parties; and/or (3) an explanation of how the deficiency or hazard in the original finding has been mitigated without taking the action specified in the CAP. The WMSC will treat this CAP as a new CAP and subject it to the full CAP approval process.

### CAP Tracking

Regular, day-to-day tracking and monitoring by the WMSC of WMATA CAPs takes place through use of an electronic tracking tool. Additionally, an updated database of CAPs is distributed prior to monthly CAP meetings as described below. The database tracks a wide range of information regarding each CAP, including:

- Underlying finding/recommendation;
- Responsible parties;
- Estimated completion date;
- Status updates;
- Date of next scheduled update;
- Interim milestones; and
- Closure date (as applicable)

### CAP Closeout

The WMSC and WMATA will conduct regular meetings to facilitate the WMSC verification of completion of CAPs at a mutually agreeable time and location.

Prior to the meeting, the WMSC or its contractor shall send out a proposed meeting agenda and updated database to WMATA for review. The agenda shall cover the following items:

- CAPs recently submitted for closure
- WMSC Action Items from Previous Meeting
- CAP Updates
- Overdue CAPs
- CAPs Not Overdue, but Requiring Update

Appropriate WMATA representatives from Quality Assurance, Internal Compliance & Oversight (QICO), the Safety Department and operating departments (such as Rail Transportation, Car Maintenance, Vehicle Engineering, Track & Structures, etc.) shall be present to discuss CAP implementation and, if needed, to provide verification documentation to the WMSC. WMATA's QICO is responsible for Corrective Action Plan (CAP) coordination on behalf of all WMATA Metrorail departments. A schedule may be developed and implemented to ensure that each department appears at least quarterly to provide status updates and progress reports on CAPs within its purview. Representatives from departments with greater operational or maintenance responsibility may be asked to appear more frequently. The status of Each CAP should be updated at least quarterly, whether in-person at the CAP meeting or through written documentation.

The WMSC may elect not to consider for closure at the meeting any CAP for which materials were provided less than five (5) business days prior. This requirement is designed to ensure that the WMSC has adequate time to review submitted documentation before attempting to reach a decision. Conversely, the WMSC will provide a formal response to WMATA for each submitted CAP no more than ten (10) days from its receipt unless formal notification of an extended deadline is provided due to the quantity/complexity of the closure materials.

### CAP Verification Methods

The WMSC's ability to verify the implementation and completion of a CAP depends upon WMATA's adherence to the stated approach and timeframe specified in the CAP. The WMSC will verify CAP completion by obtaining documents clearly demonstrating that the required actions of the CAP have been completed, and/or conducting an on-site, in-person verification. If the WMSC has questions or concerns regarding materials submitted for closure, these shall first be addressed using written comment sheets on which WMATA can provide a side-by-side response.

#### 1. Rules and Procedures Compliance

- **Non-compliance with operating rule or procedure.** To verify CAP implementation and completion, the WMSC will generally require documentation of the actions taken to come into compliance, such as:
  - Memos, bulletins, special orders, etc., to affected employees to address compliance with the operating rule or procedure
  - Documentation of refresher training (curricula, syllabi, training schedules, sign-in- sheets, etc.) given to affected employees to address compliance with the operating rule or procedure
  - Documentation of the process used to review and/or revise the rule or procedure should WMATA determine it necessary to do so (meeting minutes, memoranda, copy of the revised, final rule or procedure)
- **Lack of an appropriate operating rule or procedure.** To verify CAP implementation and completion, the WMSC will generally require documentation such as:
  - Memos, meeting minutes, correspondence, etc., demonstrating the rule/procedure review/development process is being implemented
  - The finalized rule or procedure upon its completion.

## 2. Maintenance of Rail Vehicles, Systems, Facilities, and Equipment

- **Non-compliance with established maintenance policies and procedures.** To verify CAP implementation and completion, the WMSC will generally require documentation of the actions taken to come into compliance, such as:
  - Memos, bulletins, special orders, etc., to affected employees to address compliance with the maintenance policy or procedure
  - Evaluation of the policy or procedure at hand to determine its appropriateness (meeting minutes, correspondence, etc.)
  - Documentation of refresher training (curricula, syllabi, training schedules, sign-in sheets, etc.) provided to affected employees to address compliance with the maintenance policy or procedure
  - Documentation of the process used to review and/or revise the rule or procedure should WMATA determine it necessary to do so (meeting minutes, memoranda, copy of the revised, final rule or procedure)
- **Lack of an appropriate maintenance policy or procedure.** To verify CAP implementation and completion, the WMSC will generally require documentation such as:
  - Memos, meeting minutes, correspondence, etc., demonstrating the maintenance policy/procedure review/development process is being implemented
  - The finalized maintenance policy or procedure upon its completion.

## 3. Engineering

- **Findings and recommendations related to rail system engineering issues** generally stem from internal and external reviews and audits, and usually require a CAP. To verify implementation and completion of the CAP, the WMSC generally requires the following types of documentation, such as:
  - Written documentation demonstrating that established engineering processes are taking place to address the original finding/recommendation (engineering/maintenance modification instruction, other approved engineering/maintenance modification document, memoranda, meeting minutes, correspondence, etc.)
  - Written documentation that the actions taken to address the engineering issue in the original finding/recommendation have been completed (e.g., engineering bulletins, manuals, memoranda, correspondence, etc.).

## 4. Training/Qualification/Certification

- **Non-compliance with established training/qualification/certification requirements.** To verify CAP implementation and completion, the WMSC will generally require documentation of the actions taken to come into compliance, such as:



- Lists of employees who must complete required training/qualification/certification requirements
- Schedule showing when each affected employee completed the training/qualification/certification requirements
- Copies of certificates of completion, final exams, sign in sheets, etc., showing each employee as having completed the required training/qualification/certification requirements
- **Lack of an appropriate training/qualification/certification program for a safety-related area (including, but not limited to, rail operations, maintenance, right of way safety, etc.).** To verify CAP implementation and completion, the WMSC will generally require documentation such as:
  - Memoranda, meeting minutes, correspondence, etc., demonstrating the process for developing/reviewing/revising training program is being implemented
  - A list of employees who completed the new/revised training/ qualification/ certification
  - Course schedule (including duration and frequency)
  - Curricula, syllabi, etc., including documentation on minimum criteria for successful completion (exams, evaluations, etc.).

## 5. SSPP and Other Plans, Policies, and Procedures

- **Non-compliance with processes described in SSPP and other Plans, Policies, and Procedures.** To verify CAP implementation and completion, the WMSC will generally require documentation of the actions taken to come into compliance, such as:
  - Memos, meeting minutes, correspondence, etc., demonstrating actions being taken to achieve compliance with applicable document
- **SSPP/Other Plans, Policies, and Procedures do not accurately reflect current practice.** To verify CAP implementation and completion, the WMSC will generally require documentation such as:
  - Memos, meeting minutes, correspondence, etc., demonstrating the process being implemented to review and revise the appropriate plan, policy or procedure
  - A copy of the revised plan, policy, or procedure that accurately reflects current practice
- **Lack of appropriate plan, policy, or procedure.** To verify CAP implementation and completion, the WMSC will generally require such documentation as:

- Memos, meeting minutes, correspondence, etc., demonstrating the process being implemented to review/revise/develop the plan/policy/procedure in question
- A copy of the final, new/revised plan, policy, or procedure.

## SECTION 10 ANNUAL REPORTING

### WMSC Annual Report Requirements

#### WMSC Annual Reporting to the FTA

On or before March 15 of each year, the WMSC shall submit to FTA:

1. Updates and revisions to this Program Standard, along with any updates and revisions to the procedures accompanying this Program Standard, with a summary of changes to the Program Standard made during the previous 12 months;
2. Evidence that each of the WMSC's employees and contractors has completed the requirements of the Public Transportation Safety Certification Training Program or, if in progress, the anticipated completion date of training;
3. A publicly available report that summarizes the WMSC's oversight activities for the preceding 12 months, describes the causal factors of accidents identified through investigation, and identifies the status of corrective actions, changes to Public Transportation Agency Safety Plans, and the level of effort by the WMSC in carrying out its oversight activities;
4. A summary of the triennial audits completed during the preceding 12 months, and WMATA's progress in carrying out CAPs arising from triennial audits;
5. Evidence that the WMSC has reviewed and approved any changes to the WMATA Public Transportation Agency Safety Plan during the preceding 12 months; and
6. Certification that the WMSC is in compliance with requirements of FTA's requirements for Title 49 CFR Part 674.

The materials for the FTA SSO Annual Report shall be submitted electronically through a reporting system specified by FTA.

The WMSC shall submit on, at least, an annual basis an updated and revised Program Standard and the accompanying Procedures to FTA. The WMSC shall also comply with FTA's SSO Annual Report requirements.

#### WMSC Annual Reporting to the Interstate Compact Jurisdictions

The WMSC Chief Executive Officer shall make and publish, annually, a status report on the safety of the WMATA Rail System, which shall include, among other requirements, established by the Commission and federal law, status updates of outstanding Corrective Action Plans, Commission directives, and on-going investigations. A copy of each such report shall be provided to:

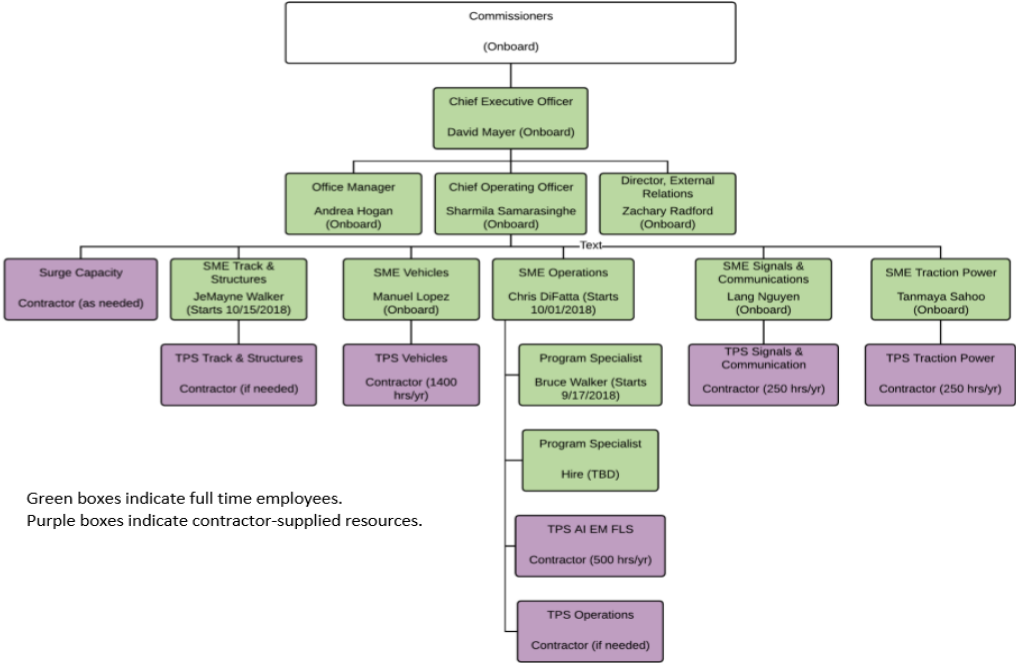
- “(a) The Administrator of the Federal Transit Administration;
- “(b) The Governor of Virginia, the Governor of Maryland, and the Mayor of the District of Columbia;
- “(c) The Chairman of the Council of the District of Columbia;
- “(d) The President of the Maryland Senate and the Speaker of the Maryland House of Delegates;
- “(e) The President of the Virginia Senate and the Speaker of the Virginia House of Delegates;  
and

“(f) The General Manager and each member of the board of directors of WMATA.”

#### Annual Report of WMSC Operations

The WMSC shall make and publish an annual report on its programs, operations, and finances, which shall be distributed to the Chief Executives of the Compact Jurisdictions, as well as the respective legislature, if prescribed in the Interstate Compact.

## Washington Metrorail Safety Commission Organizational Structure



Draft Deliberative

2018-09-24

## APPENDICES

- A. Safety Event Notification Matrix
- B. Audits and Inspection SOP
- C. Capital Project Oversight
- D. Corrective Action SOP
- E. Enforcement and Dispute Resolution SOP
- F. Investigation SOP
- G. Budget Oversight
- H. Execution of Enforcement Authorities
- J. WMSC Open Meetings Policy
- K. WMSC Conflict of Interest Policy

## APPENDIX A: SAFETY EVENT NOTIFICATION MATRIX

### Safety Event Notification and Report Matrix

This matrix establishes notification, investigation, and reporting criteria and timeframes based on 49 CFR Part 674 State Safety Oversight Final Rule, the Washington Metrorail Safety Commission Program Standard, FTA Two-Hour Accident Notification Guidance, and National Transit Database (NTD) Reporting requirements.

Code	Event Type	Phone Notification Within 2 Hours	Email Notification Within 2 Hours	Preliminary Safety Event Report	Final Safety Event Report
<p><b>Accident</b> – 49 CFR Part 674 requires RTAs to notify their SSOA and FTA in response to accidents. WMATA will make notifications to WMSC <b>and email notifications to the FTA via the CMC to meet this requirement.</b> Phone and email notifications must be completed at the earliest practicable time after the occurrence of any one of the following events and no later than two hours after it occurred.</p> <p>WMATA must use a Safety Management System (SMS) or Hazard Management type process to address risks and hazards and to collect, track and analyze data to develop leading indicators to prevent likelihood of future events. All accident data will be entered into the WMATA Event Tracker.</p>					
A-1	<p><b>Fatality</b> A death occurring at the scene or within 30 days following the accident.</p> <p><b>Additional guidance:</b> Includes all loss of life (fatality) that occurs on transit property or is related to transit operations or maintenance. This requirement excludes deaths resulting from existing illness or other natural causes and homicides not related to collisions with a rail transit vehicle.</p>	Required	Required	Required	Required

<sup>1</sup> When the accident causal and contributing factors are immediately identifiable and a lower investigative effort is required, WMATA may request a Final Summary Report be submitted in lieu of the 3-day preliminary and Draft Final Accident report. (Examples: suicide/trespassing collisions with a person confirmed on video, person slip, trip or fall into track resulting in a collision and an inspection finds no tripping hazard or video shows impairment, distraction or inattention, for minor derailments of RMMs in yard or in a work mode with no injury or damage etc.) WMSC will still formally adopt and approve the Draft Final Summary Report submitted for accidents.

Code	Event Type	Phone Notification Within 2 Hours	Email Notification Within 2 Hours	Preliminary Safety Event Report	Final Safety Event Report
A-2	<p><b>Serious Injury</b></p> <p>a. A serious injury requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received;</p> <p>b. Results in a fracture of any bone (except simple fractures of fingers, toes, or nose);</p> <p>c. Causes severe hemorrhages, nerve, muscle, or tendon damage;</p> <p>d. Involves any internal organ; or</p> <p>e. Involves second-or third-degree burns, or any burns affecting more than five percent of the body surface.</p> <p><b>Additional guidance:</b></p> <p>Includes all serious injuries that occur on a transit property or are related to transit operations or maintenance. This requirement excludes injuries resulting from illness or other natural causes and criminal assaults unrelated to collisions with a rail transit vehicle.</p>	Required	Required	Required	Required
A-3	<p><b>Collision</b></p> <p>a. All collisions between two or more rail transit vehicles; or</p> <p>b. All collisions resulting in substantial property damage, serious injury, or fatality.</p>	Required	Required	Required	Required



Code	Event Type	Phone Notification Within 2 Hours	Email Notification Within 2 Hours	Preliminary Safety Event Report	Final Safety Event Report
	<p><b>Additional guidance:</b></p> <p>Includes all collisions involving two or more rail transit vehicles and all collisions involving one or more rail transit vehicle at a grade crossing, with a person, or with an object that results in substantial property damage, serious injury, or fatality.</p> <p>Substantial damage is damage to transit or non-transit property, including vehicles, facilities, equipment, rolling stock, or infrastructure, that adversely affects property's structural strength, performance, or operating characteristics and requires towing, rescue, onsite maintenance, or immediate removal prior to safe operation.</p> <p>Substantial damage <b>EXCLUDES</b> damage such as cracked windows; dents in, bent portions of, or small punctured holes in the body; broken lights or mirrors; or removal from service for minor repair or maintenance, testing, or video and event recorder download.</p>				

Code	Event Type	Phone Notification Within 2 Hours	Email Notification Within 2 Hours	Preliminary Safety Event Report	Final Safety Event Report
A-4	<p><b>Evacuation for Life Safety Reason</b></p> <p>Evacuation of a rail transit vehicle or facility for real or perceived life safety reasons including self-evacuation.</p> <p><b>Additional guidance:</b></p> <p>Includes evacuation due to fire, smoke or noxious fumes, fuel leaks, electrical hazards, bomb threats, suspicious items, or other hazards that constitute a real or potential danger to any person.</p> <p>Two-hour accident notifications are not required for evacuations that are not for a life safety reason, such as an evacuation of a train into the right-of-way, onto adjacent, or onto rescue vehicles due to track obstructions, loss of power, mechanical breakdown or system failure, or damage.</p>	Required	Required	Required	Required
A-5	<p><b>Derailment</b></p> <p>A non-collision event in which one or more wheels of a rail transit vehicle unintentionally leaves the rails. Two-hour accident notification is required for any derailment of a rail transit vehicle at any location and at any time.</p>	Required	Required	Required	Required
A-6	<p><b>Runaway Train</b></p> <p>A train in motion that is not under the control of an operator regardless of whether the operator is physically on the vehicle at the time.</p> <p><b>Additional guidance:</b></p> <p>This requirement is only applicable to trains (Class I vehicles) and not all rail transit vehicles.</p>	Required	Required	Required	Required

Code	Event Type	Phone Notification Within 2 Hours	Email Notification Within 2 Hours	Preliminary Safety Event Report	Final Safety Event Report
A-7	<p><b>Federal Railroad Administration (FRA) Notifications</b></p> <p>Anytime WMATA must notify the FRA of an accident as defined by <a href="#">49 CFR 225.5</a>, WMATA must also notify <b>WMSC and FTA</b> of the accident within the same time frame established by the <a href="#">FRA</a>.</p> <p><b>Additional guidance:</b></p> <p>Includes any safety event for which WMATA notifies the National Response Center (NRC) or the National Transportation Safety Board (NTSB).</p>	Required	Required	Event-Based Requirement	Event-Based Requirement

Code	Event Type	Phone Notification Within 2 Hours	Email Notification Within 2 Hours	Preliminary Safety Event Report	Final Safety Event Report
<p><b>Incident</b> – In addition to the reports and notifications required through 49 CFR Part 674, <b>WMSC</b> requires notifications and/or reports for specific incidents as listed in this table. Email notifications must be completed at the earliest practicable time after the occurrence of any one of the following incidents and no later than two hours after it occurred.</p> <p>WMATA must use a Safety Management System (SMS) or Hazard Management type process to address risks and hazards and to collect, track and analyze data to develop leading indicators to prevent likelihood of future events.</p>					
I-1	An injury <b>OTHER THAN</b> a serious injury.	None	None	Upon Request	Upon Request
I-2	One or more injuries <b>OTHER THAN</b> a serious injury requiring medical transportation away from the incident scene.	None	Required	Upon Request	Upon Request
I-3	A collision involving a rail transit vehicle on the mainline, yard, or shop that <b>DOES NOT</b> result in a fatality, serious injury, or substantial property damage and <b>DOES NOT</b> involve another rail transit vehicle. <i>Note-Part of Old Matrix Code 14</i>	None	Required	Upon Request	Upon Request
I-4	Non-collision-related damage to equipment, rolling stock, or infrastructure that disrupts transit agency operations.	None	None	Upon Request	Upon Request
I-5	Evacuation of a train into the right of-way or onto adjacent track and including customer self-evacuation for non-life safety reasons.	None	Required	Upon Request	Upon Request

Code	Event Type	Phone Notification Within 2 Hours	Email Notification Within 2 Hours	Preliminary Safety Event Report	Final Safety Event Report
I-6	<p>Fire/smoke occurring on or in:</p> <ul style="list-style-type: none"> <li>a. A rail transit vehicle;</li> <li>b. All or any portion of rail facility, building, or structure, including roads, garages, and lots;</li> <li>c. Tunnel or right-of-way;</li> <li>d. Fire/smoke related to power jumper, track feeder, transition, and expansion cables; or</li> <li>e. Fire/smoke resulting in non-serious injury or property damage.</li> </ul> <p><i>Note-Part of Old Matrix Code 16</i></p> <p><b>EXCLUDES</b> fire/smoke resulting from debris, smoldering ties at grade level, smoking platform or overhead lights, or switch heaters or snow melters. These are reported as specified under the corresponding Occurrence Code O-26.</p> <p><b>EXCLUDES</b> events resulting in serious injury, fatality, or life safety evacuations. These are reported under the corresponding accident codes.</p>	None	Required	Upon Request	Upon Request
I-7	Damage to catenary or third-rail equipment that disrupts transit operations.	None	Required	Upon Request	Upon Request
I-8	Rail transit vehicle stopping due to an obstruction in the tracks, sometimes called “hard stops”.	None	None	Upon Request	Upon Request
I-9	Most hazardous material spills.	None	None	Upon Request	Upon Request

Code	Event Type	Phone Notification Within 2 Hours	Email Notification Within 2 Hours	Preliminary Safety Event Report	Final Safety Event Report
<p><b>Occurrence</b> – In addition to the reports and notifications required through 49 CFR Part 674, <b>WMSC</b> requires notifications and/or reports for specific occurrences as listed in this chart. Email notifications must be completed at the earliest practicable time after the occurrence of any one of the following occurrences and no later than two hours after it occurred.</p> <p>WMATA must use a Safety Management System (SMS) or Hazard Management type process to address risks and hazards and to collect, track and analyze data to develop leading indicators to prevent likelihood of future events.</p>					
O-7	Unintended movement of a rail transit vehicle on the mainline or in a yard including movement: <ul style="list-style-type: none"> <li>a. Made against the normal flow of train traffic;</li> <li>b. Conflicting or opposing to other traffic; or</li> <li>c. Made by overriding a safety device or fail-safe system and moving without permission or direction.</li> </ul>	None	Required	Upon Request	Upon Request
O-8	Red signal violation or overrun.	None	Required	Upon Request	Upon Request
O-9	Unauthorized rail transit vehicle encroachment or overrun into a protected work zone.	None	Required	Required	Required
O-10	Signal system failure, such as receipt of a false proceed, track circuit failing clear, or partial system failure requiring manual block operations.	None	Required	Upon Request	Upon Request
O-11	Operating over an improperly aligned or damaged switch (switch run-through) on the mainline or yard.	None	Required	Upon Request	Upon Request

Code	Event Type	Phone Notification Within 2 Hours	Email Notification Within 2 Hours	Preliminary Safety Event Report	Final Safety Event Report
O-12	Operator removal from Class 1 vehicle for rule violation such as: a. Incapacitated such as drug/alcohol, fatigue; b. Train speeding or failure to stop; or c. Use of electronic device.	None	Required	Upon Request	Upon Request
O-14	A collision with a person that <u>does not</u> result in a fatality serious injury or substantial damage.  <b>O-14 moved to Incident Code I-3, was old Matrix Code 14.</b>	N/A	N/A	N/A	N/A
O-15	One of the following train door occurrences: a. Doors open during train movement; b. Doors open on wrong side or off platform; or c. Un-commanded door open.	None	Required	Upon Request	Upon Request
O-16	Fires that result in a non-serious injury or property damage.  <b>O-16 moved to Incident Code I-6, was old Matrix Code 16.</b>  Fire or smoke resulting from debris, smoldering ties at grade level, smoking platform or overhead lights, or switch heaters or snow melters.  <b>Text above was note and exception in old Code 16, now moved to Occurrence Code O-26.</b>	N/A	N/A	N/A	N/A

Code	Event Type	Phone Notification Within 2 Hours	Email Notification Within 2 Hours	Preliminary Safety Event Report	Final Safety Event Report
O-17	<p>Speed restriction or track closure due to infrastructure damage or failure, including due to a failure to maintain a state of good repair or due to extreme weather conditions. This includes:</p> <ul style="list-style-type: none"> <li>a. Wide or narrow gauge;</li> <li>b. Broken or cracked Rail; or</li> <li>c. Sun kinks.</li> </ul>	None	Required	Upon Request	Upon Request
O-18	<p>Hazardous condition that, without immediate mitigation, could reasonably result in a fatality or serious injury or requires stopping current operations or activities.</p>	None	Required	Upon Request	Upon Request
O-19	<p>Other occurrences that could have resulted in a fatality, serious injury, or required stopping the current operation or activity, for example:</p> <ul style="list-style-type: none"> <li>a. Violation of posted speed or speed restrictions (if the operator is removed from service, use Occurrence Code O-12);</li> <li>b. Train rollback while operating in revenue service exceeding design specifications;</li> <li>c. Unintentional uncoupling of trains on the mainline; or</li> <li>d. Runaway Class II vehicles not resulting in a fatality, serious injury, or substantial property damage.</li> </ul>	None	Required	Upon Request	Upon Request
O-20	<p>Fallen equipment or equipment dragged from a rail transit vehicle.</p>	None	Required	Upon Request	Upon Request



<b>Code</b>	<b>Event Type</b>	<b>Phone Notification Within 2 Hours</b>	<b>Email Notification Within 2 Hours</b>	<b>Preliminary Safety Event Report</b>	<b>Final Safety Event Report</b>
<b>O-21</b>	Fall to the right-of-way with no injury or medical transport.	None	Required	Upon Request	Upon Request
<b>O-22</b>	Broken or missing safety-critical equipment, infrastructure, or systems that could result in a fatality, serious injury, or major disruption in service	None	Required	Upon Request	Upon Request
<b>O-23</b>	Occurrences involving individuals working in the transit agency-controlled right-of-way.	None	Required	Upon Request	Upon Request
<b>O-24</b>	Any occurrence about which Metro Transit Police Department notifies the Transportation Security Operations Center.	None	Required	Upon Request	Upon Request
<b>O-25</b>	Any operation or action not listed elsewhere that is noteworthy or can be perceived as an unsafe operation or violation of operating practices.	None	Required	Upon Request	Upon Request
<b>O-26</b>	Fire and/or smoke resulting from debris, smoldering ties at grade level, smoking platform or overhead lights, switch heaters or snow melters resulting in no or minor property damage.	None	Required	Upon Request	Upon Request

# WMSC Standard Operating Procedures (SOPs)

## WMSC-SOP-001 Audits and Inspections

### I. Purpose

The Washington Metrorail Safety Commission (WMSC) identifies the oversight and enforcement of the safety of the WMATA Metrorail system as its highest priority – to ensure the safety of its passengers, employees, and the general public. The WMSC’s commitment to fostering a proactive and positive safety culture is effectuated through the development, maintenance, and execution of various tactical plans, programs, and procedures that include this Standard Operating Procedure (SOP). Through this SOP, the WMSC will continually evaluate WMATA Metrorail’s safety plans to determine whether WMATA is effectively minimizing the risk from hazards associated with its operations and facilities. The WMSC is committed to actively working with WMATA to successfully address any issues which would compromise the safety and health of its passengers, employees, and the general public. To this end, the WMSC will take all steps within its authority to ensure that safety is recognized as WMATA’s highest organizational priority.

The WMSC Board is ultimately responsible for all State Safety Oversight Agency (SSOA) Activities of the WMSC.

The WMSC Chief Executive Officer (CEO), the Accountable Executive (CEO) is responsible for ensuring that day-to-day SSOA activities are executed effectively and in accordance with Federal requirements, WMSC Board requirements, and the WMSC Program Standard and Standard Operating Procedures.

The WMSC CEO shall keep the WMSC Board apprised of all WMSC personnel activities in conjunction with WMSC Program Standard implementation as well as associated outcomes, next steps, and emerging risks.

The WMSC personnel shall conduct the day-to-day State Safety Oversight functions of the WMSC under the supervision of the WMSC Chief Executive Officer, implement the WMSC Program Standard, and develop reports and other documentation for the Chief Executive Officer and Board. Specific activities to be carried out by the personnel and the methods thereof are enumerated in the WMSC Standard Operating Procedures.

### II. Scope

In accordance with 49 Code of Federal Regulations (CFR) 674.31 (Part 674), the WMSC must, “[a]t least once every three years ... conduct a complete audit of an RTA’s [Rail Transit Agency’s] compliance with its Public Transportation System Safety Program Plan.” As authorized by Part 674, the WMSC utilizes an ongoing audit process intended to address all safety elements within a three-year cycle. This SOP has been adopted pursuant to the WMSC Compact to outline the process and reporting requirements for accomplishing audit activities. The WMSC is also empowered to expeditiously conduct special audits and safety investigations resulting from trends, targeted issues, and safety complaints. The WMSC will comply with the timeframes for compliance with the Public Transportation Agency Safety Plan 49 CFR 673.

The WMSC is responsible for notifying WMATA of the proposed schedules for conducting various audits, reviewing support documentation, conducting on-site interviews and verification activities, and for drafting reports. WMATA is expected to provide factual review of draft audit or inspection report findings and recommendations, and to implement Corrective Action Plans (CAPs) precipitated by such reports.

### III. General Allocation of Responsibilities

- A. WMSC Board
  - 1. Maintain awareness of status of Triennial Safety Audit and Special Study reports to WMATA;
  - 2. Adjudicate audit and inspection-related disputes pursuant to WMSC-SOP-004;
  - 3. Take other action consistent with Board authority to address audit issues.
  
- B. WMSC Chief Executive Officer
  - 1. Update Board on progress and results of audits;
  - 2. Order WMATA Inspector General on an emergency basis to conduct safety-related audits or investigations and to provide its findings to the WMSC;
  - 3. Manage audit and inspection-related issues of non-compliance pursuant to MSCSOP-004.
  
- C. WMSC Chief Executive Officer will direct WMSC Technical Staff as follows:
  - 1. Notify and work with WMATA to schedule Triennial Safety Audits, Special Studies, Planned Inspections;
  - 2. Issue audit-related document requests to WMATA;
  - 3. Issue audit and inspection-related checklists and procedures to WMATA;
  - 4. Issue Inspection Memoranda to WMATA;
  - 5. Oversee audit and inspection-related CAPs pursuant to WMSC-SOP-003. Prepare audit and inspection-related document requests, checklists and procedures;
  - 6. Conduct audits, inspections and ongoing observations at WMATA;
  - 7. Draft Triennial Safety Audit reports, Special Study reports, Inspection Memoranda;
  - 8. Review audit- and inspection-related CAP materials and WMATA responses to Inspection Memoranda and Special Study reports to verify implementation.

### IV. Triennial Safety Audits Process

- A. *Scope and purpose:* The WMSC utilizes an ongoing audit process intended to address all safety audit items spread within a three-year period. This section outlines the methodology used to accomplish audit activities. This process is intended as an independent evaluation of WMATA's system safety program, and allows the WMSC to determine if WMATA is following its own plans, policies and procedures.
  - 1. Key objectives are as follows:
    - a. Determine if the Public Transportation System Safety Program Plan (SSPP) is being followed by WMATA;
    - b. Determine the effectiveness of the WMATA's SSPP;
    - c. Determine if the SSPP requires revision;
    - d. Determine if hazards are being identified by WMATA in a timely manner;

- e. Determine the effectiveness of WMATA's internal safety audit process.
  2. At the conclusion of a triennial audit, the WMSC must issue a report with findings and recommendations arising from the audit, which must include, at minimum:
    - a. Analysis of the effectiveness of the SSPP;
    - b. Recommendations for improvements;
    - c. CAPs, if necessary or appropriate.
- B. *Notification and schedule:* Under the direction of the WMSC Chief Executive Officer the WMSC will contact WMATA representatives to schedule the on-site audit at a time acceptable to both parties. WMATA QICO representatives are responsible for coordinating the schedule and logistics with any other WMATA parties subject to the audit. The WMSC will provide formal, written notification to the WMATA point-of-contact for the audit **at least 30 days** prior to the on-site portion of the audit. As a matter of practice, the WMSC Technical Staff will begin coordination with WMATA 30 days prior to the start of the audit to determine a mutually agreeable schedule of audit activity.
- C. *Document Request:* Under the direction of the WMSC Chief Executive Officer as part of the triennial audit notification letter, the WMSC will assemble a list of WMATA documents to be requested and examined prior to the on-site audit.
1. In the document request, transmitted to WMATA in writing, the WMSC will specify a deadline for WMATA to submit requested documents.
  2. The WMSC will also review in advance the SSPP and referenced and supporting procedures and materials. These materials will form the basis of the WMSC's audit checklist. As necessary, while preparing this checklist, the Technical Staff may contact WMATA Safety point(s)-of-contact and request in writing additional information, procedures, or documentation. For example, the WMSC may request and review the WMATA Metrorail Safety Rules and Procedures Handbook (MSRPH), bulletins, orders, instructions, and procedures for vehicles, track, and signals; design criteria and project engineering procedures for extension or modifications; internal safety audit checklists and reports; the results of the hazard management process; and the status of all CAPs.
- D. *Audit Checklists:* The WMSC will develop checklists using checklists contained in FTA Guidance for conducting Triennial Safety Audits for each audit during the document review period described above. Checklists for triennial audits of SSPP implementation are to be developed following FTA promulgation of a final rule for SSPPs, anticipated as 49 CFR Part 673. Checklists will be informed by FTA best practices for three-year audits, American Public Transportation Association (APTA) guidance, and the professional judgment of the technical experts performing the audit.
1. At a minimum, audit checklists will contain:
    - a. The safety-related requirements to be reviewed;
    - b. The applicable reference documents that establish the acceptance criteria for those requirements; and
    - c. The method of verification.
- E. *On-Site Audit:* The on-site portion of the audit will follow this general schedule:

1. The WMSC technical expert leading the audit will meet with the WMATA manager in charge of the area under review to introduce the audit process, including a brief description of goals and methodology. WMATA QICO representatives and safety point(s)-of contact are expected to attend the entrance briefing and are invited to attend and participate in all facets of the on-site audit activity.
2. The WMSC technical experts conducting the audit will discuss the department's current procedures and practice, including record-keeping practices, with WMATA managers. The auditors will use the written plans and procedures provided beforehand as a basis for this part of the audit, but will also consider any additional information that WMATA personnel provide.
3. The WMSC technical experts examine completed documentation and the recordkeeping process to substantiate that WMATA is completing the activities in its SSPP. Records reviewed and/or sampled may include, but are not limited to, training records, records of employee rules compliance checks, internal safety audit reports, maintenance inspection reports, and minutes of safety committee meetings. The sample of completed records examined will vary depending on the topic and may include a small number of units over a long period of time, or a larger number over a shorter period. For example, the auditors might examine three years' worth of maintenance records for three rail vehicles, or one month of records for the entire rail vehicle fleet.
4. The WMSC technical experts will interview WMATA senior managers, as appropriate, to assess their implementation and oversight of WMATA's safety programs as specified in the SSPP or as referenced in supporting procedures, and to gauge their commitment to the safety programs.
5. The WMSC technical experts will hold discussions with supervisors and frontline personnel, as appropriate, to verify their understanding and implementation of requirements specified in the SSPP or as referenced in rules or procedures.
6. If an immediate safety concern is detected, the WMSC technical expert leading the audit will directly communicate the concern to the WMATA employee-in-charge for immediate resolution (i.e., Good Faith Challenge, Safety Stand-down).
7. The WMSC technical experts will review actual conditions in the field. This may entail observations of physical infrastructure conditions, riding inspections on-board WMATA revenue vehicles, observations of WMATA personnel implementation of operating rules and safety procedures, and other activities to determine if the plans, procedures, and rules for the particular topic area are appropriate and being fulfilled. The field audit portion may include on-site measurements and inspections to verify that WMATA infrastructure, vehicles (revenue and non-revenue), and equipment are maintained to the specifications identified in WMATA's standards, procedures, manuals, and to applicable industry standards.
8. Throughout the audit, the WMSC technical experts will work closely with WMATA personnel. Unless there is a security or confidentiality issue, the auditors will ensure that all of their activities are open and accessible to both WMATA personnel being audited and to WMATA Safety representatives. The auditors will audit records and field conditions in the presence of WMATA managers wherever possible. During the audit, the auditors will discuss plan implementation with these managers, and will also provide any immediate feedback on areas where the auditors view potential issues or problems.

9. The WMSC technical expert leading the audit will hold an informal exit briefing with WMATA personnel after the on-site portion of the audit has been completed. This briefing will allow both parties to ensure that any concerns or findings are clearly understood. It also provides an opportunity to identify any unfinished topics or outstanding document requests that require follow-up. At least one WMATA Safety representative should attend the exit briefing.
- F. *Audit Report Contents:* The WMSC's written report will contain the following information:
1. **Description** of the audit scope, methodology, list of documents reviewed, persons interviewed, equipment/locations/operations inspected, and audit results.
  2. List of **Findings:** A finding refers to an instance where WMATA is not operating in compliance or accordance with an applicable internal or external written requirement, including, but not limited to, 49 CFR Part 674, 49 U.S.C. 5329(e); WMATA's SSPP; and referenced WMATA plans, policies, and procedures. Some non-compliance findings may be safety critical in nature; other findings may be related to a deficiency in the content or material reviewed. In the instance where there are findings WMATA must develop a corrective action plan in response to each finding.
  3. List of **Observations:**
    - a. An Observation refers to a condition whereby WMATA may technically be in compliance with applicable internal and external requirements; however, there may be an absent or inadequate plan, policy, or procedure in place or it is not written in accordance with applicable industry practices or standards.
    - b. Additionally, Observations may list where the WMSC technical experts found noteworthy conditions of a positive or negative nature. In documenting these conditions via the audit report, the WMSC wishes to acknowledge WMATA's practices or direct the attention of relevant WMATA personnel to these observations. In general, negative observations are not systemic enough in nature to constitute non-compliance with an established policy or procedure; modification of any policies or procedures is not necessarily warranted. WMATA may, and is strongly encouraged to, develop follow-up action to such observations.
- G. *Draft Audit Report:* **Within 30 calendar days** of the WMSC auditors' completing the onsite audit activity, the WMSC Technical Staff will issue a draft audit report to the audited WMATA party and QICO points of contact.
1. Accounting for any additional documentation or information received from WMATA as appropriate, the draft audit report will detail the audit scope, methodology, list of documents reviewed, persons interviewed, equipment/locations/operations inspected, and audit results. When the SSPP is a direct part of the WMSC on-site audit, the associated report will also contain an assessment of the effectiveness and implementation of WMATA's safety plans, and a decision as to whether these plans need to be updated.
  2. WMATA must submit a draft audit report response regarding accuracy of the report to the Technical Staff **within 10 business days**, with any requested revisions or updates. If WMATA fails to submit a response within the specified timeframe, the Chief Executive Officer may utilize the process enumerated in WMSC-SOP-004 to compel WMATA action.

- H. *Final Audit Report:* The WMSC Technical Staff will work with the technical experts to revise the audit report as needed based on WMATA's response to the draft report. Should WMATA's response include new information, the WMSC will reflect it accordingly in the final report. **Not more than 10 business days** after receiving WMATA's response to the draft report, the WMSC Chief Executive Officer will issue a final audit report to the audited party or parties, and to the QICO points of contact at WMATA. Upon receipt of the final audit report, WMATA is required to formally respond to the WMSC Chief Executive Officer **within 30 calendar days**.
1. The Safety points-of-contact are responsible for ensuring WMATA's response is submitted on time and in accordance with WMSC requirements.
  2. The response must contain CAPs to address findings and written responses to observations that were not categorized as findings, but for which the WMSC requested a formal response from WMATA.
  3. If WMATA fails to submit a response within the specified timeframe, the Chief Executive Officer may utilize the process enumerated in WMSC-SOP-004 to compel WMATA action.
- I. *Audit Follow-up:* The WMSC will review and act on WMATA's response and CAPs in accordance with the process set forth in the Program Standard and in WMSC-SOP-003.

## V. Special Studies Process

- A. *Scope and methodology:* Through its oversight activities, in response to a petition or notification, or at the direction of the WMSC Board, the WMSC may identify a safety-related issue, potential hazardous condition, or trend that warrants additional attention or investigation. Additionally, the FTA or National Transportation Safety Board (NTSB) may issue a directive or advisory that prompts the WMSC to conduct a special study.
1. The WMSC will follow the triennial safety audit methodology in performing a special study with respect to: notification, document requests, on-site activities, record reviews, field observations, and follow-up meetings.
  2. However, the WMSC may determine that an exigent or special circumstance warrants an expedited or elongated notification window, document request and review, or report development and response phase.
- B. *Report and follow-up:* The draft report, WMATA review and comment, and final report process for special studies will adhere to the WMSC process for producing triennial safety audit reports, unless otherwise specified by the WMSC Chief Executive Officer due to the circumstances. Final special study reports will be issued to WMATA by the WMSC Board (unless designated to the Chief Executive Officer). WMATA must generate and submit CAPs to the Technical Staff in response to findings in the final special study report, which will be monitored to resolution in accordance with WMSC-SOP-003.

## VI. Directives to WMATA Inspector General

The WMSC may compel WMATA's Office of the Inspector General (OIG) to conduct safety-related audits or investigations and to provide its findings to the WMSC. In such an event, upon granting

of authority by the WMSC Board the Chief Executive Officer sends a letter to the WMATA OIG, explaining the circumstances for the directive and the WMSC's expectations for the process. The WMATA OIG shall follow established WMATA protocol for conducting an audit or inspection and present the results to the Chief Executive Officer by the deadline stipulated by the Chief Executive Officer in the notification letter. The Chief Executive Officer will keep the Board apprised of WMATA OIG progress and results of such activities.

## VII. Inspections

- A. *Routine operations reviews*: Routine operations reviews are unannounced inspections of the WMATA Metrorail System during revenue service hours. WMSC technical experts may make observations of the operations of the Metrorail System from public areas – e.g., while riding in revenue service vehicles or spending time in and about Metrorail System stations. WMSC technical experts will review system elements including, but not limited to: train operator compliance with applicable safety rules, general safety conditions of stations, and roadway worker compliance with the WMATA Roadway Worker Protection (RWP) Program. The WMSC Chief Executive Officer will direct WMSC technical staff to develop a schedule of routine operations reviews and tracking reviews conducted by WMSC.
- B. *Planned inspections*: WMSC may conduct a planned inspection that involves a thorough review of a Metrorail System asset or facility. Inspections may be focused on a potential or identified hazard, fire/life safety conditions, occupational safety, or any other safety-related matter. The WMSC will coordinate with the representatives from the respective departments at least **five (5) business days** before the conduct of a planned inspection. The WMATA SAFE will continue to be informed on all these activities. WMATA Safety personnel may join WMSC personnel in performing the inspection. The WMSC Staff will provide WMATA's Safety points-of-contact with any checklists and/or procedures to be used for the inspection.
- C. *Unannounced inspections*: WMSC may conduct an unannounced inspection of a Metrorail System asset or facility. The WMSC may utilize its authority to conduct such inspections at any time of day, in any Metrorail System location, to verify compliance with rules and procedures or to examine assets or facilities for potentially hazardous conditions. The WMSC will coordinate with the representatives from the respective departments. The WMATA SAFE will continue to be informed on all these activities. The WMSC may notify WMATA personnel from these departments in advance of WMSC personnel's arrival to the inspection site, and these departments' representatives may accompany the WMSC inspection team while on-site.
- D. *Inspection Memoranda*: Results from announced and unannounced inspections are documented in an WMSC memorandum authored under the direction of the WMSC Chief Executive Officer. Inspection Memoranda are disseminated to the WMATA Chief Operating Officer, the responsible Executive Management Team member(s), who is/are directly responsible for the asset or personnel involved in the audit. WMATA SAFE will be included on the correspondence.
  - 1. When no deficiencies are found, the memorandum will simply summarize the inspection, and does not require a response from WMATA.



2. Should the WMSC inspectors find deficiencies or potential hazards, the concern will be documented in the memorandum in a detailed manner, including photographs or field measurements if applicable. The memorandum will include a directive for WMATA to respond with a corrective action as necessary, up to and including a formal CAP.
  - a. WMATA Executive Team Member must respond to an WMSC Inspection Memorandum **within five (5) business days** to acknowledge receipt and to convey to the WMSC what, if any, actions will be or have been taken in response. Inspection Memorandum responses must be sent to the WMSC Chief Executive Officer. The WMATA Chief Operating Officer and the WMATA Chief Safety Officer need to be included in such correspondence.
  - b. In the event the WMSC requires or WMATA opts to develop a formal CAP, the timeframe and procedures shall follow WMSC-SOP-003 after WMATA completes its initial response to the WMSC inspection memorandum.
  - c. If WMATA fails to submit a response within the specified timeframe, the Chief Executive Officer may utilize the process enumerated in WMSC-SOP-004 to compel WMATA action.
- E. *WMSC Personnel:* WMSC personnel performing inspections will maintain proper certification and credentials to access WMATA property; will wear proper personal protective equipment (PPE) as required by WMATA or warranted by the environment; and will coordinate with the respective Executive Management Team member to arrange a WMATA subject matter expert guide who are directly responsible for the inspection areas, infrastructure, equipment or facility as necessary (e.g., to secure areas such as a traction power substation or the Rail Operations Control Center).

## VIII. Compliance Enforcement and Dispute Resolution

- A. The WMSC anticipates WMATA's full cooperation throughout the audit and/or inspection process. If however, the WMSC determines that WMATA is non-compliant with any portion of these processes, including but not limited to the timeframes and instructions outlined in this Procedure, WMSC may use its enforcement authority provided by the Compact, the WMSC Program Standard, or the WMSC Board.
- B. Any disputes between WMATA and the WMSC regarding findings or directives from audits or inspections will be handled in accordance with WMSC-SOP-004.

# WMSC-SOP-002 Capital Project Oversight

## I. Purpose

The Washington Metrorail Safety Commission (WMSC) identifies overseeing and enforcing the safety of the WMATA Metrorail system as its highest priority – to ensure the safety of its passengers, employees, and the general public. The WMSC’s commitment to fostering a proactive and positive safety culture is effectuated through the development, maintenance, and execution of various tactical plans, programs, and procedures that include this Standard Operating Procedure (SOP). Through this SOP, the WMSC will oversee WMATA Capital Projects to ensure that safety is prioritized throughout all phases of the project life cycle. The WMSC is committed to actively working with WMATA to successfully address any issues which would compromise the safety and health of its passengers, employees, and the general public. To this end, the WMSC will take all steps within its authority to ensure that safety is recognized as WMATA’s highest organizational priority.

The WMSC Board is ultimately responsible for all State Safety Oversight Agency (SSOA) Activities of the WMSC.

The WMSC Chief Executive Officer (CEO), the Accountable Executive (CEO) is responsible for ensuring that day-to-day SSOA activities are executed effectively and in accordance with Federal requirements, WMSC Board requirements, and the WMSC Program Standard and Standard Operating Procedures.

The WMSC CEO shall keep the WMSC Board apprised of all WMSC personnel activities in conjunction with WMSC Program Standard implementation as well as associated outcomes, next steps, and emerging risks.

The WMSC personnel shall conduct the day-to-day State Safety Oversight functions of the WMSC under the supervision of the WMSC Chief Executive Officer, implement the WMSC Program Standard, and develop reports and other documentation for the Chief Executive Officer and Board. Specific activities to be carried out by the personnel and the methods thereof are enumerated in the WMSC Standard Operating Procedures.

## II. Scope

- A. In accordance with 49 United States Code (U.S.C.) 5329 and the Compact, the WMSC is responsible for conducting safety oversight of capital projects of the WMATA Metrorail System, from the design phase through engineering, construction, testing, and commissioning. This includes WMATA Metrorail System projects under ownership and/or construction by parties other than WMATA. The WMSC will comply with the timeframes for compliance with the Public Transportation Agency Safety Plan 49 CFR 673.
- B. The WMSC has the authority to exercise oversight over any WMATA Metrorail System capital project, and will perform ongoing oversight of WMATA’s system modification, safety certification, and configuration management-related documents and activities through:

1. Annual review and approval of the Public Transportation System Safety Program Plan (SSPP);
  2. Ongoing reviews and inspections of WMATA (see WMSC SOP-001);
  3. Studies or investigations in response to hazards or allegations of non-compliance with the SSPP; and
  4. Triennial audits of WMATA's implementation of the SSPP.
- C. As a matter of course, the WMSC will utilize this Procedure for major capital projects, including:
1. Projects where a Federal Transit Administration (FTA) New Starts Full Funding Grant Agreement is involved;
  2. Projects that meet or exceed the FTA's monetary threshold for mandatory safety certification;
  3. Projects for which WMATA elects to perform safety certification; or
  4. Metrorail System expansions/modifications identified by the WMSC at its discretion.

### III. Responsibilities

- A. WMSC Board:
1. Adjudicate capital project oversight-related disputes pursuant to WMSC SOP-004
  2. Issue concurrence letter to FTA for initiation of revenue operations on any Metrorail capital project
- B. WMSC Chief Executive Officer
1. Prepare and recommend to the WMSC Board the Issuance of the final Pre-Revenue Service Review (PRSR) report, SSPP approval, and Safety and Security Certification Verification Report (SSCVR) concurrence letter to FTA
  2. Coordinate capital project oversight activity with management-level representatives of FTA Region III and FTA Office of Transit Safety and Oversight (TSO)
  3. Adjudicate capital project oversight-related disputes pursuant to WMSC-SOP-004
- C. WMSC Chief Executive Officer will direct WMSC Technical Staff as follows:
1. Notify and work with WMATA to schedule PRSR
  2. Issue capital project-related document requests to WMATA
  3. Issue PRSR and inspection-related checklists and procedures to WMATA
  4. Issue Inspection Memoranda to WMATA
  5. Coordinate capital project-related meeting attendance and document review among WMSC personnel
  6. Coordinate meetings, calls, and correspondence with FTA Region III and FTA TSO staff
  7. Oversee capital project-related Corrective Action Plans (CAPs) pursuant to MSCSOP-003
  8. Prepare PRSR and inspection-related document requests, checklists, and procedures
  9. Conduct PRSR, inspections, and ongoing observations at WMATA
  10. Draft PRSR report, Inspection Memoranda

11. Attend or call into capital project-related meetings at WMATA; review meeting materials
12. Attend capital project-related drills and exercises at WMATA; review exercise materials
13. Review capital project-related CAP materials and WMATA responses to PRSR report and Inspection Memoranda to verify implementation

#### IV. Ongoing Oversight Activities

- A. *Meeting attendance:* The WMSC Staff may participate in any WMATA committee or workgroup meetings pertaining to a major Metrorail System capital project, including the Safety & Security Certification Review Committee (SCRC) and Executive Safety Committee (ESC). Should other committees or subcommittees be formed – such as a Rail Activation, Fire/Life Safety Drills/Exercises – WMSC personnel may also attend or review associated documentation such as agendas and meeting minutes. The WMATA is responsible for ensuring that appropriate WMSC personnel have access to meeting information and associated materials.
- B. *Document review:* The WMSC staff is responsible for coordinating document review and comment submittals between WMATA and the WMSC personnel. WMATA will be required to transmit all key documents for Metrorail System major capital projects to the WMSC, including:
  1. Project Management Plan (PMP)
  2. Safety and Security Management Plan (SSMP)
  3. Safety and Security Certification Plan (SSCP)
  4. Preliminary Hazard Analysis (PHA)
  5. System Integration Test Plan (SITP)
  6. Rail Activation Plan (RAP)
  7. Public Transportation System Safety Program Plan (SSPP)
  8. Emergency Preparedness Plans Emergency drill and exercise materials – Situation Manuals, meeting minutes, After Action Reports, etc.
  9. Accident/Incident Investigation Procedure (AIP)
  10. Legal agreements with parties covering operations, maintenance
  11. Training Plan(s)
  12. Rail Fleet Management Plan
  13. Track Access Safety Training Plan/Materials
  14. Operations & Maintenance Plan
  15. Pre-Revenue Operations (PRO) Plan
  16. Configuration Management Plan or Procedure
  17. Resident Engineer’s Manual
  18. Safety and Security Certification Conformance Checklists
  19. Standard Operating Procedures (SOPs) and Emergency Operating Procedures (EOPs)
  20. Rulebook
  21. Maintenance and Inspection Procedures and Checklists
  22. Safety Open Items List (SOIL), Hazard Log, or similar tracking mechanism

23. Should an WMSC representative wish to review a particular project document that the WMSC does not have on-hand, the WMSC Technical Staff will convey the request to WMATA Safety representatives.
- C. With the exception of the SSPP/AIP, the WMSC does not need to issue formal approval for individual project documents. Rather, the WMSC technical experts will review plans and procedures and provide advisory comments to WMATA to ensure that the documents comply with federal requirements and industry effective practices. The WMSC Chief Executive Officer will direct WMSC staff to disseminate WMSC documents and comments to WMATA Safety representatives and relevant project staff.
- D. *Test/drill/exercise observations:* WMSC technical experts may observe any test, emergency drill, or exercise pertaining to a WMATA Metrorail System major capital project. This could include: Stand Alone Testing, Field Acceptance Testing, and System Integration Testing. WMSC technical experts will coordinate test/drill/exercise attendance with WMATA Safety representatives.
- E. The WMSC technical experts may develop a Memorandum following the observation of a test/drill/exercise, which the WMSC Chief Executive will transmit to the representatives from the respective departments. The WMATA SAFE will continue to be informed on all these activities. WMATA Chief Safety Officer. The Memorandum may contain findings requiring WMATA to develop a CAP, or specific directives or requests for additional action or documentation by WMATA. In the event follow-up action is required, the WMSC Memorandum will specify deadline(s) to WMATA.
- F. *Ongoing observations and inspections:* The WMSC technical experts are responsible for performing ongoing in-field oversight of WMATA Metrorail System major capital projects from the construction and testing phases through entry into passenger service. Oversight activities will include observations of training for operations and maintenance staff; observations of pre-revenue operations; station, vehicle, and facility inspections; and interviews with project staff. The methodology for in-field reviews will follow that of the WMSC's ongoing inspections of the WMATA Metrorail System, described in MSCSOP-001. Technical experts will document their observations in Inspection Memoranda, which will be issued to WMATA Executive Management Team member representatives from the respective departments. The WMATA SAFE will continue to be informed on all these activities. Chief Safety Officer by the WMSC Chief Executive Officer.
- G. *Coordination with FTA:* Metrorail System major capital projects often involve oversight by the FTA's Region III office through the Project Management Oversight (PMO) function and/or from the FTA TSO office. Should a WMATA Metrorail System project involve such oversight, the WMSC will coordinate with other oversight agencies to the maximum practicable extent in order to provide consistent, effective, and efficient guidance to WMATA (and the project owner, if different from WMATA). The Chief Executive Officer is responsible for coordination activities with top representatives from FTA TSO and Region III. The WMSC Chief Executive Officer will direct WMSC staff coordination activities between WMSC, TSO staff and contractors, and Region III staff and contractors. The WMSC staff is responsible for reviewing documents and correspondence from other

oversight entities, and arranging meetings or conference calls with FTA representatives in the event there is a disagreement between WMSC technical experts and FTA representatives. The WMSC staff is also responsible for identifying appropriate FTA representatives who the WMSC Chief Executive Officer will invite to the on-site portion of the WMSC's Pre-Revenue Service Review.

- H. *WMSC Personnel:* WMSC personnel performing inspections, or observing test(s)/drill(s)/exercise(s), will maintain proper certification and credentials to access WMATA property; will wear proper personal protective equipment (PPE) as required by WMATA or warranted by the environment; and will coordinate as necessary with the respective Executive Management Team member to arrange a WMATA subject matter expert guide who is directly responsible for the inspection areas, infrastructure, equipment or facility as necessary (e.g., to secure areas such as a traction power substation or the Rail Operations Control Center). The WMATA SAFE will continue to be informed on all these activities.

## V. Pre-Revenue Service Review

- A. Upon the transition of a WMATA Metrorail System expansion project or major railcar procurement from the testing phase to the pre-revenue operations phase, or prior to re-activation of dormant systems, the WMSC will conduct a Pre-Revenue Service Review (PRSR). The WMSC's review is intended to ensure that the safety certification process has been completed, or that there are appropriate approved equivalents in place for any unfinished certifiable elements and other items that do not preclude the safe operation of the Metrorail System. An example of re-activation of dormant systems include the re-activation of Automatic Train Operation system on WMATA Metrorail.
- B. *Scheduling:* In general, the WMSC will aim to perform the on-site portion of the PRSR two (2) to four (4) months prior to the commissioning of a Metrorail System expansion or railcar procurement for passenger service. The timing is intended to align with the latter stages of integrated testing and pre-revenue operations for the project, such that the WMSC will be able to verify its readiness for passenger service.
- C. The Technical Staff may work with WMATA, and/or project owner if different from WMATA, to schedule the on-site portion of the PRSR at a mutually agreeable date. The Technical Staff may also coordinate the scheduling of the PRSR with the FTA TSO or FTA Regional office, depending on each entity's respective involvement with the project.
- D. *Document Request:* The WMSC will employ a similar document request methodology as described for triennial audits in WMSC-SOP-001. The Technical Staff will submit a document request to project owner **not less than 45 calendar days** prior to the on-site portion of the review. Requested documents may include, but not be limited to, all those listed in the *Document review* paragraph above.
- E. *On-Site Review:* On-site review methodology – including entrance briefing, audit methods, and exit briefing – will mirror that of the WMSC triennial safety audits, as described in WMSC-SOP-001. During the PRSR, the WMSC review team will assess

operational and maintenance readiness, as well as the completeness of training programs and modifications to WMATA plans, policies, and procedures. If any certifiable items are not yet completed at the time of the review, the WMSC review team will ensure that the project owner will be ready to certify these items prior to passenger service or, alternatively, that appropriate approved equivalent will be in place to help ensure system safety until certification is complete.

- F. *PRSR Report*: The WMSC review team will develop a draft PRSR report documenting any unfinished items and potential hazards, and any findings requiring a CAP and submit it to the WMSC staff for review. The WMSC Chief Executive Officer will issue the draft PRSR Report to WMATA Chief Safety Officer for review and comment. **The draft report and final report process and timeframe will follow the steps outlined in WMSC-SOP-001 for triennial audits.** The Chief Executive Officer will issue the final PRSR report. Deadlines may be expedited based on the project timeline, in which case the WMSC Chief Executive Officer will notify WMATA Chief Safety Officer in writing of any modified deadlines.
  
- G. *Follow-up*: WMATA will be required to develop CAPs to address any findings in the final PRSR Report, in accordance with the requirements in the WMSC Program Standard and WMSC-SOP-003. The WMSC staff and PRSR review team will track CAPs and any other open items to resolution in the period leading up to project revenue service initiation. At the discretion of the Chief Executive Officer, the PRSR review team may arrange another on-site review to follow-up on findings and open items from the PRSR. The WMSC staff shall schedule the follow-up on-site review with WMATA or another project owner.

## VI. Document Approval

- A. *SSPP*: For major Metrorail System capital projects, WMATA will be required to amend or update its SSPP. In the next annual review cycle for the System Safety Program Plan (SSPP) WMATA must submit a draft final version of the SSPP to the Chief Executive Officer and follow the process defined in the WMSC Program Standard for plan review and approval.
  
- B. The Metrorail System major capital project cannot begin passenger service until the Chief Executive Officer recommends to the WMSC Board for it to officially concur on starting revenue use of the said capital project. In the next annual update of either the System Safety Program Plan (SSPP) or the Public Transportation Agency Safety Plan, WMATA will update this agency wide document with the newly opened infrastructure, system, equipment or rail line.
  
- C. *Safety Certification Verification*: WMATA or the project owner, if different from WMATA, is responsible for certifying the major Metrorail System capital project. Safety certification is a formal process required by the FTA for certain projects, and required by WMATA in accordance with its own rules and procedures. The project owner must prepare a Safety and Security Certification Verification Report (SSCVR) to document the entire certification process to ensure the project was built in accordance with design specifications and that its safety has been verified. WMATA must transmit the draft final

SSCVR to the Chief Executive Officer prior to the project's entry into passenger service. WMSC will review the SSCVR and provide questions or comments in writing to WMATA Chief Safety Officer for disposition. Once the WMSC Chief Executive Officer is in concurrence with the SSCVR, the WMSC Chief Executive Officer will prepare a concurrence letter for the WMSC Board approval to issue to WMATA.

- D. The Metrorail System major capital project cannot begin passenger service until the WMSC Board submits formal approval of the SSCVR along with a concurrence letter to the FTA.

## VII. Compliance Enforcement and Dispute Resolution

- A. The WMSC anticipates WMATA's full cooperation throughout the Capital Project Oversight process. If however, the WMSC determines that WMATA is non-compliant with any portion of these processes, including but not limited to the timeframes and instructions outlined in this Procedure, the WMSC may use its enforcement authority provided by the Compact, the WMSC Program Standard, or the WMSC Board.
- B. Any disputes between WMATA and the WMSC regarding findings or directives from capital project oversight activities will be handled in accordance with WMSC-SOP-004.



# WMSC-SOP-003 Corrective Action Plans

## I. Purpose

The Washington Metrorail Safety Commission (WMSC) identifies overseeing and enforcing the safety of the WMATA Metrorail system as its highest priority – to ensure the safety of its passengers, employees, and the general public. The WMSC’s commitment to fostering a proactive and positive safety culture is effectuated through the development, maintenance, and execution of various tactical plans, programs, and procedures that include this Standard Operating Procedure (SOP). Through this SOP, the WMSC will evaluate WMATA Metrorail’s Corrective Action Plans (CAPs) to ensure that WMATA is effectively mitigating and eliminating the risk from hazards associated with its operations and facilities. The WMSC is committed to actively working with WMATA to successfully address any issues which would compromise the safety and health of its passengers, employees and the general public. To this end, the WMSC will take all steps within its authority to ensure that safety is recognized as WMATA’s highest organizational priority.

The WMSC Board is ultimately responsible for all State Safety Oversight Agency (SSOA) Activities of the WMSC.

The WMSC Chief Executive Officer (CEO), the Accountable Executive (CEO) is responsible for ensuring that day-to-day SSOA activities are executed effectively and in accordance with Federal requirements, WMSC Board requirements, and the WMSC Program Standard and Standard Operating Procedures.

The WMSC CEO shall keep the WMSC Board apprised of all WMSC personnel activities in conjunction with WMSC Program Standard implementation as well as associated outcomes, next steps, and emerging risks.

The WMSC personnel shall conduct the day-to-day State Safety Oversight functions of the WMSC under the supervision of the WMSC Chief Executive Officer, implement the WMSC Program Standard, and develop reports and other documentation for the Chief Executive Officer and Board. Specific activities to be carried out by the personnel and the methods thereof are enumerated in the WMSC Standard Operating Procedures.

## II. Scope

In fulfillment of duties prescribed under 49 Code of Federal Regulations (CFR) Part 674.37 and the WMSC Program Standard, the WMSC is responsible for reviewing and approving corrective action plans (CAPs) developed by WMATA. WMATA is responsible for developing CAPs as necessary to ensure the safety of patrons, employees, its facilities and equipment, and the general public. WMATA may develop CAPs as a result of its own internal findings or assessments, or it may be required to develop CAPs in response to an external party, including the WMSC. The WMSC will comply with the timeframes for compliance with the Public Transportation Agency Safety Plan 49 CFR 673.

The WMSC is responsible for approving the appropriateness of CAPs and for verifying their implementation. WMATA must provide the WMSC with regular and timely status updates for each CAP. WMATA will also be expected to provide supplemental updates to the WMSC upon request.

### III. Responsibilities

- A. WMSC Board: Adjudicate CAP-related disputes pursuant to WMSC-SOP-004
  
- B. WMSC Chief Executive Officer:
  - 1. Adjudicate CAP-related disputes pursuant to WMSC-SOP-004
  - 2. Order WMATA to create a Corrective Action Plan
  - 3. Order WMATA to implement a Corrective Action Plan the WMSC Executive Officer has approved
  
- C. WMSC Chief Executive Officer will direct WMSC Technical Staff as follows:
  - 1. Manage the CAP tracking database
  - 2. Receive proposed CAPs from WMATA
  - 3. Receive quarterly CAP updates from WMATA
  - 4. Coordinate CAP material review and verification activities among WMSC personnel
  - 5. Schedule Monthly CAP Meetings with WMATA
  - 6. Issue CAP-related requests and directives to WMATA; formal CAP closure
  - 7. Work with WMATA to reach consensus on CAP content and implementation timeframes
  - 8. Review CAP materials provided by WMATA to verify implementation
  - 9. Conduct field inspections, on-site document reviews, and interviews to verify CAP implementation
  - 10. Attend Monthly CAP Meetings as necessary

### IV. CAP Development

- A. Proper CAPs are achievable, verifiable, assigned to an individual (not only a department or office), and include a realistic target date or dates for completion. CAPs are neither conditional nor merely recommendations from one WMATA department to another; rather they are statements of specific actions that will be taken.

The WMSC mandates that WMATA will fully implement all CAPs according to the proposed timeframe established through the target date. If, however, the WMSC determines that WMATA is non-compliant, the Chief Executive Officer will compel WMATA action through the processes outlined in WMSC-SOP-004.

- B. *Process:* In general, the CAP process is as follows:
  - 1. A trigger event occurs (such as an incident, hazard, internal audit, external audit, etc.)
  - 2. A deficiency or needed improvement is revealed
    - a. WMATA determines the need for a CAP; or

- b. WMATA is directed by the WMSC, Federal Transit Administration (FTA), or National Transportation Safety Board (NTSB) to create a CAP.
3. Within 30 calendar days, WMATA generates a proposed CAP to rectify the deficiency or mitigate the hazard and submits it to the WMSC for approval. If WMATA fails to generate a CAP and provide it to the WMSC within the specified timeframe, the Chief Executive Officer may utilize the process enumerated in WMSC-SOP-004 to compel WMATA action.
4. Within 10 business days, the WMSC Staff reviews the CAP
  - a. Requests additional information from WMATA;
  - b. Provides staff recommendation to WMSC Chief Executive Officer to reject the CAP; or
  - c. Provides staff recommendation to WMSC Chief Executive Officer to approve the CAP.
5. WMATA begins to implement the CAP. If WMATA fails to implement CAP within the specified timeframe, the Chief Executive Officer may utilize the process enumerated in WMSC-SOP-004 to compel WMATA action.
6. Via Monthly CAP Meetings and quarterly database updates, the WMSC staff is continuously notified of actions taken by WMATA, and the steps necessary to fulfill the CAP.
7. WMATA submits to the WMSC Chief Executive Officer in writing notification that the CAP has been implemented to the WMSC's satisfaction, along with verification documentation as appropriate. If WMATA fails to submit a CAP implementation and effectiveness notification within the specified timeframe, the Chief Executive Officer may utilize the process enumerated in WMSC-SOP-004 to compel WMATA action.
8. Within 10 business days, the WMSC staff reviews verification documentation and the WMSC Staff or a technical expert conducts follow-up inspections or interviews as necessary to confirm acceptable completion of the CAP.
  - a. the WMSC requests additional verification documentation from WMATA;
  - b. the WMSC directs WMATA to take additional action to complete the CAP; or
  - c. the WMSC verifies the CAP has been sufficiently implemented.
9. The WMSC Chief Executive Officer "closes" the CAP through final approval, transmitted to WMATA in writing.
10. The WMSC staff maintains documentation pertaining to the CAP for future reference or to revisit the issue as future developments warrant.
11. Regardless of the triggering event or source of the CAP, or whether it is self-generated by WMATA or directed by an external party (such as the WMSC, FTA, or NTSB), WMATA must develop and propose a CAP to the WMSC Staff within 30 calendar days of identification of the need for a CAP. Circumstances may necessitate either an expedited or elongated timeframe for CAP development, in which case the WMSC Chief Executive Officer or other party issuing the directive (e.g., FTA, NTSB) will specify a deadline for WMATA to propose a CAP. If WMATA fails to develop and propose a CAP within the specified timeframe, the Chief Executive Officer may utilize the process enumerated in WMSC-SOP-004 to compel WMATA action.

- C. *Sources:* The sources of CAPs include:
1. WMSC audits, investigations, observations, or special studies;
  2. Event investigations;
  3. Hazard investigations;
  4. WMATA internal safety audits;
  5. WMATA risk identification or mitigation programs, such as:
    - a. Safety committees;
    - b. Customer service complaints;
    - c. Board meetings;
  6. NTSB investigations;
  7. FTA investigations, audits, or reviews;
  8. External bulletins or advisories from NTSB, FTA, or American Public Transportation Association (APTA);
  9. Emergency drills or exercises;
  10. Major capital projects (e.g., from Preliminary Hazard Analysis, Safety Open Items List);
  11. WMATA Office of Inspector General investigations and audits;
  12. Analysis of safety-related data or trends (Safety Management System implementation); and
  13. Other events that require WMATA to correct an identified safety hazard or deficiency, as identified by WMATA, the WMSC, or an external agency.
- D. *Content requirements:* At a minimum, each CAP shall include:
1. Date the CAP was generated;
  2. Unique CAP identifier;
  3. Source;
  4. Description;
  5. Hazard rating prior to CAP implementation;
  6. Estimated cost and funding strategy, if known;
  7. Interim mitigations in place (if applicable);
  8. Anticipated completion date;
  9. Responsible party and department;
  10. Hazard rating post CAP implementation;
  11. CAP Review, Approval, and Modification Process
- E. *WMSC review and approval:* In any instance where WMATA must develop and execute a CAP, the WMSC Chief Executive Officer must review and approve the CAP before WMATA may carry out the plan. To approve a CAP, the WMSC staff will assist the WMSC Chief Executive to determine whether the proposed CAP adequately satisfies the original finding or recommendation. Whether the WMSC Chief Executive Officer approves or disapproves of a given CAP may be shown either through specific written correspondence or as an indication on a tracking log that a proposed CAP is “Acceptable” or “Unacceptable.” The WMSC Chief Executive Officer will provide a response to WMATA QICO regarding a proposed CAP **within 10 business days** of receipt, unless otherwise specified by the WMSC Chief Executive Officer due to the complexity or quantity of CAP materials.

*Exceptional circumstances:* There may be exception to this prior review and approval in the event of immediate or emergency corrective actions that must be taken to ensure immediate safety – provided that the WMSC has been given timely notification, as agreed upon by WMATA and WMSC personnel, and the Technical Staff provides subsequent review and issues WMSC approval. For immediate or other significant safety hazards, WMATA need not wait for WMSC approval to take immediate hazard mitigation measures. However, WMATA must provide information, within one (1) business day, on such CAPs that have been put in place due to exigent circumstances to mitigate imminent hazardous conditions. In cases where the WMSC is unable to approve a proposed CAP, the WMSC will work with WMATA on a case-by-case basis to help formulate a CAP that is acceptable. However, the best approach to reach the desired safety outcome will not be prescribed by the WMSC; rather, WMATA will be required to articulate the required actions. Furthermore, nothing prohibits WMATA from taking corrective measures. From a regulatory perspective, WMATA cannot officially state it has addressed the safety risk until WMSC has conducted its mandated activities pertaining to corrective action plan approval. WMATA QICO must notify the WMSC Chief Executive Officer of immediate or emergency CAPs as soon as practicable (typically within one business day).

- F. *CAP modification:* In the event WMATA determines that another course of action is more appropriate than the CAP initially approved by the WMSC, then WMATA QICO must:
1. Submit a new CAP, including its evaluation and justification for the change, for the WMSC Chief Executive’s approval; and
  2. WMATA QICO and the department responsible for the CAP shall submit a joint letter or memorandum outlining:
    - a. The substantive factors and considerations supporting the request;
    - b. The procedural steps taken to ensure meaningful input from internal subject matter experts and affected parties; or
    - c. An explanation of which includes a hazard analysis and safety risk assessment of how the deficiency or hazard in the original finding has been mitigated without taking the action specified in the original CAP. The WMSC will treat this CAP as a new CAP and subject it to the full CAP approval process. If WMATA fails to follow the course of action outlined in the approved CAP without submitting an alternative CAP according to this SOP, the Chief Executive Officer may utilize the process enumerated in WMSC-SOP-004 to compel WMATA to comply with the CAP process.

## V. CAP Reporting and Tracking Requirements

- A. *Quarterly updates:* WMATA QICO must submit formal, quarterly CAP updates to the Technical Staff. While some CAPs may have demonstrable progress from month to month, others may have a multi-year implementation window. In cases where CAPs may have a longer time frame for implementation, the WMSC will require WMATA to propose interim CAP milestones that can be tracked to completion, to ensure that WMATA stays on schedule to complete the overall CAP on schedule. In all cases, WMATA must indicate the status and expected implementation date of each CAP via the quarterly update. On

an annual basis, the Technical Staff will work with WMATA's Safety Department to establish a schedule of these quarterly updates for the year ahead.

- B. *Monthly meetings:* WMSC personnel and WMATA QICO will hold a Monthly CAP Meeting to facilitate verification of CAP progress and review associated documentation. Monthly CAP Meetings shall be scheduled by the WMSC staff at a time and location mutually agreeable to involved WMSC and WMATA staff. Appropriate WMATA representatives from the QICO and operating departments (such as Rail Transportation, Car Maintenance, Vehicle Engineering, Track & Structures, etc.) shall be present to discuss CAP implementation and to provide verification documentation to the WMSC. The WMSC staff and WMATA QICO implement a schedule to ensure that each department appears at a Monthly CAP Meeting at least quarterly to provide status updates and progress reports on CAPs within its purview. Each CAP must be updated at least quarterly, whether in person at the CAP meeting or through written documentation and indication in the database. If WMATA representatives fail to attend the CAP meeting, the WMSC Chief Executive Officer may utilize the process enumerated in WMSC-SOP-004 to compel WMATA action.
  
- C. *Day-to-day tracking:* The WMSC uses a database to track and monitor CAPs. The document, for which the WMSC staff is responsible, is designed to provide a visual indication to all parties when a CAP has become overdue and/or when an update is required. The WMSC controls the database and is responsible for updating the content contained therein. The WMSC distributes an updated database prior to Monthly CAP Meetings. The database tracks a wide range of information regarding each CAP, including past updates, notes on the CAP from WMATA and the WMSC, and the anticipated date(s) for next update and completion.

## VI. CAP Verification

- A. *Readiness for closure:* When WMATA determines implementation of a given CAP is complete, Safety representatives must notify the Technical Staff of its request for the WMSC's review and potential closure of the CAP. In some cases, activity associated with a CAP may be ongoing over an extended period, such as development and delivery of a new training module given to new Train Operators. WMATA must document in the CAP and obtain the WMSC's concurrence as to what constitutes satisfactory implementation for tracking purposes. If WMATA fails to document in the CAP and obtain the WMSC's concurrence, the Chief Executive Officer may utilize the process enumerated in WMSC-SOP-004 to compel WMATA action.
  
- B. WMATA may propose the closure of a CAP any time after it has determined satisfactory implementation has occurred. WMATA may also propose closure of a CAP at a Monthly CAP Meeting, provided it has submitted verification documentation to the WMSC Technical Staff with adequate time for WMSC review.
  
- C. *WMSC review:* At the Monthly CAP Meeting, WMSC personnel may elect not to consider a CAP for closure for which materials were provided less than five (5) business days prior. As with CAP approval, the WMSC Chief Executive Officer will provide a formal response to WMATA for each submitted CAP **within 10 business days** from its receipt, unless the

WMSC Chief Executive Officer provides formal notification of an extended deadline due to the quantity or complexity of the CAP materials.

- D. The WMSC conducts CAP verification through review of documentation, field observation, unscheduled inspections, photographs provided by WMATA, receipt of new or revised documents, work order or similar document showing full completion, or audit of WMATA records. Additional information pertaining to the WMSC CAP verification methodology is in the WMSC Program Standard.
- E. *WMSC disposition:* If the documentation is acceptable and no further action is necessary, the WMSC Chief Executive approves closure of CAP. The WMSC staff updates its status to “Closed” on the database and records the date of verification and files the verification documentation. If the WMSC declines the proposed CAP closure, WMATA shall provide additional documentation or evidence that supports closure of the CAP. The WMSC staff will provide feedback and additional requests to WMATA QICO for CAP verification. The WMSC will stipulate a deadline for WMATA’s submittal of additional information in accordance with the circumstances.

## VII. Compliance Enforcement and Dispute Resolution

- A. The WMSC anticipates WMATA’s full cooperation throughout the CAP process. If, however, the WMSC determines that WMATA is non-compliant with any portion of these processes, including but not limited to the timeframes and instructions outlined in this Procedure, the WMSC may use its enforcement authority provided by the Compact, the WMSC Program Standard, or the WMSC Board.
- B. Any disputes between WMATA and the WMSC regarding CAPs will be handled in accordance with WMSC-SOP-004.

# WMSC-SOP-004 Enforcement and Dispute Resolution Procedures

## I. Purpose

The Washington Metrorail Safety Commission (WMSC) identifies overseeing and enforcing the safety of the WMATA Metrorail system as its highest priority – to ensure the safety of its passengers, employees, and the general public. The WMSC’s commitment to fostering a proactive and positive safety culture is effectuated through the development, maintenance, and execution of various tactical plans, programs, and procedures that include this Standard Operating Procedure (SOP). Through this SOP, the WMSC will take the necessary actions to compel WMATA to act in instances of non-compliance with the WMSC’s oversight activities, and to resolve any disputes between the WMSC and WMATA. The WMSC is committed to actively working with WMATA to successfully address any issues which would compromise the safety and health of its passengers, employees and the general public. To this end, the WMSC will take all actions within its authority to ensure that safety is recognized as WMATA’s highest organizational priority.

The WMSC Board is ultimately responsible for all State Safety Oversight Agency (SSOA) Activities of the WMSC.

The WMSC Chief Executive Officer (CEO), the Accountable Executive (CEO) is responsible for ensuring that day-to-day SSOA activities are executed effectively and in accordance with Federal requirements, WMSC Board requirements, and the WMSC Program Standard and Standard Operating Procedures.

The WMSC CEO shall keep the WMSC Board apprised of all WMSC personnel activities in conjunction with WMSC Program Standard implementation as well as associated outcomes, next steps, and emerging risks.

The WMSC personnel shall conduct the day-to-day State Safety Oversight functions of the WMSC under the supervision of the WMSC Chief Executive Officer, implement the WMSC Program Standard, and develop reports and other documentation for the Chief Executive Officer and Board. Specific activities to be carried out by the personnel and the methods thereof are enumerated in the WMSC Standard Operating Procedures.

## II. Scope

As required by 49 Code of Federal Regulations (CFR) Part 674.27, and as authorized by the WMSC Program Standard, the WMSC must establish a process and procedures for ensuring ongoing communication between WMATA and the WMSC, as well as a means for ensuring minimum safety standards are met by WMATA. WMATA is required to adhere to all timeframes and deadlines established by the WMSC. This SOP outlines an escalating enforcement process to be followed in the event of non-compliance by WMATA, or dispute between WMATA and WMSC personnel. The WMSC will comply with the timeframes for compliance with the Public Transportation Agency Safety Plan 49 CFR 673.



### III. Responsibilities

- A. WMSC Board Chair: Review final petitions from WMATA General Manager.
- B. WMSC Board: Review associated materials and vote on final petitions from WMATA General Manager.
- C. WMSC Chief Executive Officer will take enforcement action, when directed by the WMSC Board:
  - 1. Receive and issue decisions on initial petitions from WMATA Chief Safety Officer (CSO).
  - 2. Receive final petitions from WMATA General Manager.
  - 3. Advise the Board regarding final petitions from WMATA General Manager.
- D. WMSC Chief Executive Officer will direct WMSC Technical Staff as follows:
  - 1. Manage and respond to staff-level disputes with WMATA representatives.
  - 2. Advise the Chief Executive Officer regarding initial petitions from WMATA CSO.

### IV. Non-compliance with WMSC Oversight Activities

- A. The WMSC requires WMATA's full cooperation and participation in oversight activities. The following process addresses any instances of WMATA non-compliance with oversight program activities. For purposes of this process, non-compliance with oversight program activities means any instance where WMATA has received prior notice of an issue, directive, attendance, or other program requirement, a timeframe for addressing such, and has failed to take appropriate action within that timeframe. These procedures will not be used as punitive measures to compel WMATA action without prior notice or without explicit timeframes as established by these SOPs, the WMSC Program Standard, letters, or other documented communication to WMATA. The WMSC has the authority to determine the appropriate actions to be taken based on the severity of the situation.
  - 1. WMATA shall adhere to all mandated deliverables, deadlines, and attendance requirements related to the WMSC's oversight activities including, but not limited to, audits, investigations, Corrective Action Plans (CAPs), capital projects, inspections, and the WMSC's inquiries, as stipulated in the WMSC Program Standard, SOPs, Bylaws, and as duly stipulated by either the WMSC Board or the Chief Executive Officer.
  - 2. If WMATA fails to adhere to these requirements, or otherwise fails to comply, the Chief Executive Officer shall issue a formal letter to the WMATA CSO noting the issue of non-compliance and requiring action within five (5) business days of receipt. This action may include, for example, compelling actions such as requiring WMATA to propose a CAP, respond to an audit report or WMSC inquiry, or to complete an investigation report.
  - 3. If within five (5) business days WMATA has failed to properly address the issue of non-compliance, the Chief Executive Officer shall notify the WMSC Board regarding WMATA's non-compliance.

4. The WMSC Board may invite the WMATA CSO to a closed session WMSC Board working meeting to address the matter of non-compliance in to resolve the matter.
5. If the WMATA CSO fails to attend the meeting, or otherwise is non-responsive to the Board's inquiry, the WMSC Board Chair may issue a formal letter to the WMATA General Manager (GM) noting the matter of non-compliance and requiring the GM to appear before a formal public meeting of the WMSC Board to address and resolve the issue. At this meeting, the WMSC Board may take any of the enforcement actions authorized by the Compact, the WMSC Bylaws, and this SOP to compel compliance.

## V. Exigent Circumstances and Immediate Action

In the event of exigent circumstances demanding immediate action, and in consultation with the Chief Executive Officer, the WMSC Board may take any of the enforcement actions authorized by the Compact, the WMSC Bylaws, and this SOP and not await the expiration of the escalation protocol noted in the section IV.

## VI. Dispute Resolution Process

- A. *Staff level negotiation:* WMATA may dispute a finding, required action, or specific directive from the WMSC in accordance with the Compact and this SOP. It is in the interest of both parties to resolve disputes as quickly and fairly as possible. Therefore, WMATA and WMSC personnel must attempt to reach consensus through discussions at the staff level between WMATA Safety points of contact and the WMSC technical experts who authored the finding or directive in question.
  1. In the event WMATA disagrees with either the facts surrounding an issue or the WMSC's directed course of action, a WMATA Executive Management Team member who is directly responsible for the source of the dispute must communicate it to the WMSC Chief Executive Officer either via e-mail, letter, or in person at a meeting **within ten (10) business days**.
  2. The WMSC Chief Executive Officer will respond to WMATA in writing (either as a separate communication or by revising the Memorandum, Report, or other document in question) **within ten (10) business days**.
  3. Based upon information presented, the Technical Staff may require WMATA to conduct a complete hazard analysis to formally document WMATA's assessment that its Safety management is satisfied with the existing course of action. Should the WMSC require a hazard analysis, the WMSC Chief Executive Office will provide a deadline for WMATA's Executive Management Team member whose department is the genesis of the dispute to submit it.
  4. WMATA Safety representatives may coordinate with the Technical Staff as needed to request an extension of the deadline or to present information or documentation as warranted resolving the dispute.
- B. *Initial petition:* In the event staff-level negotiations do not yield a mutually agreeable resolution, WMATA may petition the WMSC Chief Executive Officer either for special approval or for reconsideration of such requirements or directives. The initial petition must be submitted in writing to the WMSC and signed by WMATA's CSO **within ten (10) business days**.

- C. *Chief Executive Officer review:* The Chief Executive Officer will work with the WMSC staff to review documentation and discuss the matter in dispute. In reviewing any petition for special approval, the Chief Executive Officer shall grant petitions only in which WMATA has clearly articulated an alternative action that will provide, in the Chief Executive Officer's judgment, at least a level of safety equivalent to that provided by compliance with the WMSC's required action or directive. The Chief Executive Officer must respond in writing to a petition from WMATA **within 10 business days** of receipt or transmit written notification to WMATA that additional time is needed due to the particular circumstances at hand. In responding to an initial petition, the Chief Executive Officer may issue guidance or directives to WMATA on any next steps required by the WMSC, including deadlines as appropriate.
- D. *Final petition:* In the event it disputes the Chief Executive Officer's disposition of the initial petition, WMATA may submit a final petition directly to the WMSC Board for consideration **within ten (10) business days**. The final petition must be submitted in writing to the WMSC Board Chair and signed by WMATA's General Manager.
- E. *WMSC Board review:* The WMSC Board will coordinate with the Chief Executive Officer and staff as necessary to review the situation and associated documentation. The Board must vote on disposition of the petition **within 30 calendar days** of receipt and may conduct such action at a regular or special meeting. In acting on a final petition, the Board may issue guidance or directives to WMATA on any next steps required by the WMSC.

## VII. Compliance Enforcement

- A. The WMSC anticipates WMATA's full cooperation throughout the Enforcement and Dispute Resolution process. If however, the WMSC determines that WMATA is noncompliant with any portion of these processes, including but not limited to the timeframes and instructions outlined in this Procedure, the WMSC may use its enforcement authority provided by the Compact, the WMSC Program Standard, or the WMSC Board.
- B. As stipulated in the WMSC Compact, WMATA may exercise its rights to escalate a dispute to the United States District Court for the Eastern District of Virginia, Alexandria Division, the United States District Court for the District of Maryland, Southern Division, and the United States District Court for the District of Columbia

# WMSC-SOP-005 Investigations

## I. Purpose

The Washington Metrorail Safety Commission (WMSC) identifies overseeing and enforcing the safety of the WMATA Metrorail system as its highest priority – to ensure the safety of its passengers, employees, and the general public. The WMSC’s commitment to fostering a proactive and positive safety culture is effectuated through the development, maintenance, and execution of various tactical plans, programs, and procedures that include this Standard Operating Procedure (SOP). Through this SOP, the WMSC will evaluate WMATA Metrorail’s safety plans to ensure that WMSC personnel and WMATA are effectively investigating accidents, incidents, and other events where safety may be an issue (collectively, events). The WMSC is committed to working with WMATA to successfully address any issues which would compromise the safety and health of its passengers, employees and the general public. To this end, the WMSC will take all steps within its authority to ensure that safety is recognized as WMATA’s highest organizational priority.

The WMSC Board is ultimately responsible for all State Safety Oversight Agency (SSOA) Activities of the WMSC.

The WMSC Chief Executive Officer (CEO), the Accountable Executive (CEO) is responsible for ensuring that day-to-day SSOA activities are executed effectively and in accordance with Federal requirements, WMSC Board requirements, and the WMSC Program Standard and Standard Operating Procedures.

The WMSC CEO shall keep the WMSC Board apprised of all WMSC personnel activities in conjunction with WMSC Program Standard implementation as well as associated outcomes, next steps, and emerging risks.

The WMSC personnel shall conduct the day-to-day State Safety Oversight functions of the WMSC under the supervision of the WMSC Chief Executive Officer, implement the WMSC Program Standard, and develop reports and other documentation for the Chief Executive Officer and Board. Specific activities to be carried out by the personnel and the methods thereof are enumerated in the WMSC Standard Operating Procedures.

## II. Scope

- A. As required by 49 Code of Federal Regulations (CFR) Part 674.35, and as authorized by the WMSC Compact and the WMSC Program Standard, the WMSC must investigate or require an investigation of any event and is, ultimately, responsible for the sufficiency and thoroughness of all investigations, whether conducted by the WMSC or WMATA. The WMSC will comply with the timeframes for compliance with the Public Transportation Agency Safety Plan 49 CFR 673.
- B. This SOP covers the methodology the WMSC will use in the event that it conducts an independent investigation of an event – as defined in 49 CFR Part 674 as an accident, incident, or occurrence. In most cases in the first instance, WMATA will conduct the investigation and submit the results to the WMSC. When WMATA conducts

investigations for each event reported to the WMSC in accordance with the Program Standard, it shall use its WMSC-approved Accident Investigation Procedure (AIP), and compose reports according to the requirements set forth in the Program Standard.

### III. Responsibilities

- A. WMSC Board
  - 1. Review final WMSC investigation reports
  - 2. Approve each final investigation report and adopt each approved report as that of the WMSC
  - 3. Adjudicate investigation-related disputes pursuant to WMSC-SOP-004
  
- B. WMSC Chief Executive Officer
  - 1. Notify, or select a designee to notify, WMATA of WMSC's decision to investigate
  - 2. Issue final investigation reports
  - 3. Advise the Board on final investigation reports
  - 4. Adjudicate investigation-related disputes pursuant to WMSC-SOP-004
  
- C. Under the general leadership of the WMSC Chief Executive Officer MSC Technical Staff will:
  - 1. Initiate, lead, and coordinate WMSC on- and off-scene investigation activities
  - 2. Assemble WMSC investigation team
  - 3. Delegate investigation activities to other members of the WMSC investigation team
  - 4. Oversee drafting of investigation reports
  - 5. Advise Technical Staff and Chief Executive Officer on investigation reports and related CAPs
  - 6. Review and issue draft investigation reports to WMATA
  - 7. Review and advise Chief Executive Officer on final investigation reports
  - 8. Oversee investigation-related CAPs pursuant to WMSC-SOP-003
  - 9. Participate as members of the WMSC investigation team
  - 10. Review investigation-related CAP materials to verify implementation
  - 11. Training and Qualifications of Investigative Personnel
  
- D. All WMSC personnel or contractors that conduct investigations on behalf of the WMSC will be verified by the Chief Executive Officer as qualified to perform their functions in accordance with the Public Transportation Safety Certification Training Program. The WMSC will not permit its personnel or contractors to conduct investigative activity without verifying that each individual maintains the requisite training or certification, as well as the requisite WMATA-provided training or certification, to access involved Metrorail System property or facilities.

### IV. Initiation of Investigation

- A. *Triggering event notification from WMATA:* Appendix A of the WMSC Program Standard contains a complete list of reportable events and corresponding notification criteria. WMATA is responsible for reporting events to the WMSC, and the Federal Transit Administration (FTA) and National Transportation Safety Board (NTSB), as necessary, according to the notification requirements in the Program Standard.

- B. *WMSC notification of intent to investigate:* For all Accident types enumerated in FTA's 49 CFR Part 674 Appendix A as requiring an investigation, the WMSC will conduct an independent investigation, unless NTSB launches its own investigation. In which case, the WMSC will participate in the NTSB Investigation. For all other investigation in the WMSC Program Standard Appendix A, the WMSC Chief Executive Officer directs WMATA to conduct investigations led by the WMSC.
- C. Should the WMSC elect to conduct an independent investigation, the Chief Executive Officer or a designee will notify WMATA of this decision and will request that the event scene or materials be held, if needed.
- D. *WMSC Lead Investigator response to the scene:* Should the WMSC's investigation occur in parallel with a WMATA investigation, the WMSC will inform WMATA's on-scene commander as to the name and contact information of the WMSC Lead Investigator.
  - 1. The WMSC Lead Investigator will initiate, coordinate, and conduct an independent onsite investigation of the event. Once an event occurs, short-term information becomes quickly perishable as an event scene is recovered. The primary task of on-site data collection is to prioritize the retrieval of perishable information. The Lead Investigator's objectives when initially responding to an event scene include:
    - a. To secure the scene and work with WMATA personnel to ensure mutually agreeable procedures and evidence collection
    - b. To preserve short-term and long-term physical evidence
    - c. To develop preliminary sequence of events to determine what happened
    - d. To identify employees, passengers, and other eyewitnesses to obtain preliminary statements and contact information.
  - 2. If the scene cannot be secured, or if the WMSC's decision to conduct an independent investigation is conveyed to WMATA after the scene has been cleared, the WMSC may request certain measurements and field data from WMATA. If WMATA fails to submit these requests, the Chief Executive Officer may utilize the process enumerated in WMSC-SOP-004 to compel WMATA action.
- E. *WMSC investigative team's use of WMATA resources:* The Lead Investigator may elect to utilize data from WMATA's investigation, including technical data or historical information that WMATA may possess. The WMSC also may seek corroboration or verification of certain data supplied by WMATA, depending on its nature and source. Examples of technical data or expertise that the WMSC may acquire from outside sources, such as WMATA, include inspection, testing, and operational assessment of the following:
  - 1. Signals
  - 2. Track
  - 3. Power
  - 4. Communications
  - 5. Vehicle and Equipment

## V. Investigation Procedures

- A. For all WMSC investigations, a qualified technical expert shall be designated the Lead Investigator. The Lead Investigator may assemble an investigation team, as necessary, to complete investigative activities, research, data collection, and testing either on- or offsite after an event. In the event the Lead Investigator is not first to respond to a WMATA Metrorail System event scene, the Lead Investigator may designate another member of the investigation team as temporary Lead Investigator.
  
- B. The Lead Investigator is responsible for all steps of an investigation and may delegate any specific activities to a qualified member of the investigation team. The WMSC investigations may include any or all the following 21 steps:
  1. Photographs of the scene
    - a. Upon arrival on the event scene, arrange to have the scene photographed as soon as possible from a panoramic view, preferably before the event scene is disturbed. This panorama should include camera photographic shots of the involved vehicle(s) in full view, nearby infrastructure features, and any evident significant obstructions, objects, or conditions. If possible, scene photographs should be taken using a '4 point compass' method. The entire scene should be photographed from multiple vantage points. The photographer should attempt to provide sufficient depth-of-field to show relative positioning of objects and subjects for later comparison with diagrams.
    - b. The Lead Investigator will arrange to have specific objects or subjects photographed as soon as possible from both normal periphery and close-up views, preferably before the event scene is disturbed. The photographer should attempt to ensure appropriate depth-of-field to sufficiently record subject material. These photographs should attempt to include, at a minimum:
      1. Each vehicle involved, exterior four sides, including number
      2. Each vehicle involved, interior compartment
      3. Each vehicle involved, operating control compartment
      4. Resting position of wheels, if off track
      5. All visible points of vehicle damage
      6. Evidence of wheel marks on rail
      7. All visible points of infrastructure damage
      8. Any visibly evident contributing obstructions, objects, or conditions
      9. Position of casualties, if stationary
      10. Any other subject that appears out of the ordinary
  2. General information upon arrival  
Arrange to have the following information documented by the WMSC investigation team:
    - a. Location, including as many specifics as possible such as mileposts, signal numbers, interlocking/station name, etc.
    - b. Date and time of event
    - c. Time of arrival of the WMSC Lead Investigator
    - d. Visibility (dawn, day, dusk, dark)
    - e. Weather (clear, cloudy, rainy, foggy, snowing, sleeting)
    - f. Approximate temperature

- g. Status of WMATA investigation and incident command
- 3. Eyewitness information
  - Obtain eyewitness information as quickly as possible. Such information may include but not be limited to:
    - a. Name, address, telephone number
    - b. Witness category (employee, passenger, bystander, etc.)
    - c. Status of witness (observer or principal involved in event)
    - d. Brief description or account of what was or was not observed
- 4. Vehicle condition at scene
  - Document the damage and condition of the vehicle(s) involved, including the following:
    - a. Car body condition (visible damage)
    - b. Positions of all operator controls (controller & brake handles, headlight and other switches, air gauge readings, etc.)
    - c. Wheels/axles/trucks/sanders
    - d. Brake systems – friction, electric (dynamic), track
    - e. Door positions or other entry/exit location conditions
    - f. Headlights, marker lights, indicator lights status
- 5. Vehicle dynamics
  - Document evidence relative to vehicle travel/speed to include, at a minimum, the following:
    - a. Work with WMATA personnel to ensure event log data (where in service) is secured
    - b. Identify wheel marks on track
    - c. Identify evidence of sanding
    - d. Identify evidence indicating area of contact/collision
    - e. Determine line-of-sight distances
    - f. Ensure arrangement to secure recorded communication data
- 6. Infrastructure and environmental conditions
  - Document the damage and condition of the infrastructure and environmental conditions. Checklist items include, but are not limited to, the following:
    - a. Damage (observable) to track, signals, bridges, structures, buildings, other infrastructure equipment or machinery
    - b. Evidence (observable) of recent environmental alteration (washout, landslide, etc.)
    - c. Evidence (observable) of recent miscreant alteration (vandalism)
    - d. Point of derailment, collision, or other event location information
- 7. Diagramming the scene
  - a. Sketch the scene, as appropriate, regarding the relative location of track(s), vehicle(s), signals, equipment, apparatus, buildings, bridges, other structures. Include noteworthy landmark features, such as roadways, waterways, pathways, flora, etc. Alignment diagram should be relative to geographic north.
  - b. Measuring the scene
    - Indelibly mark points of reference in the field (e.g., paint or chalk markings). Document the correlation of points of reference with resting positions of objects or subjects. Use feet as a standard unit of measure.



- c. Injury and Casualty factors
  - Document the current status of all known casualties, including:
    - (1) Injuries – total number, personal information (if possible)
    - (2) Fatalities– total number, personal information (if possible)
    - (3) Identification of responder units that treated or transported casualties
    - (4) Identification of hospitals where casualties were transported
- 8. Toxicological factors
 

The WMSC Program Standard and 49 CFR Part 655 require WMATA to conduct toxicological testing under certain circumstances. The WMSC investigative team will inquire with WMATA supervision as to which individuals involved with the event will be tested. The WMSC investigative team will document whether or not each individual involved in the event was tested.
- 9. Event off-site data collection
  - a. Once the event scene data have been obtained, the Lead Investigator may inform the WMATA incident commander that the WMSC no longer requires the scene to be held.
  - b. The WMSC investigation team will commence with off-site data collection, including:
    - (1) Gathering any remaining applicable non-perishable data
    - (2) Gathering any interim research and analysis of data collected on scene
    - (3) Outlining any possible preliminary incident causes or contributing factors.
  - c. In the aftermath of an event, long-term information that is non-perishable must be collected (e.g., operational speeds and conditions, maintenance and inspection records, damage estimates, etc.). The primary task of off-site data collection is to coordinate documentation to support evaluation of system, vehicle, and employee/contractor performance.
- 10. Coordination and provision of technical assistance/expertise
 

Coordinate post-event research and analysis with WMATA and any other response agencies that may be involved in the event. The WMSC investigative team may rely on WMATA personnel for specialized technical support as needed.
- 11. Vehicle and component performance
  - a. Inspections/tests
 

Coordinate with WMSC personnel or contractors to conduct and/or review post event inspections/tests on vehicles as needed to determine if pre-existing conditions contributed to the event. Applicable components to be tested should include, but not be limited to the following:

    - (1) Operator controls
    - (2) Wheels/axles/trucks
    - (3) Braking systems friction, electric (dynamic), track
    - (4) On-board signal/speed control systems
    - (5) Communication system
    - (6) Lights
    - (7) Horn

- b. Vehicle test specifications
    - Obtain any necessary specifications, manufacturer's test values, etc., to verify that data shown on the vehicle inspection(s) are appropriate and within tolerances.
  - c. Maintenance history
    - Research and obtain prior maintenance history of involved vehicle(s) to determine if any significant conditions or performance levels existed prior to the event.
    - Identify relevant maintenance protocols and recommended maintenance/inspection frequency. Identify actual maintenance and inspection activities performed as documented in maintenance files. Photocopy records if possible, or record important data such as the dates performed, results, anomalies, etc.
  - d. Data comparison
    - Compare systems performance data (inspections/tests, maintenance history) with prescribed engineering limits/specifications to determine if there were any contributing factors to the event.
12. Vehicle dynamics
- a. Event log data
    - Work with WMATA personnel to obtain and interpret event log data to determine actual vehicle performance prior to and at the time of the event.
  - b. Communication data
    - Recover recorded radio or other communication data to determine if flow of information is of significance.
13. Infrastructure system performance
- a. Inspections/tests
    - Conduct, witness, review, and/or document timely post-event inspections/tests on infrastructure as needed to determine if pre-existing conditions contributed to the event. Infrastructure components to be tested should include, at a minimum or as applicable, the following:
      - (1) Track structure
      - (2) Traction power system
      - (3) Signal systems
      - (4) Routing systems
      - (5) Buildings and other structures
      - (6) Bridges
      - (7) Other equipment or machinery
  - b. Event log data
    - Recover data from any off-vehicle event recorders such as signal system event recorders or other software driven records systems.
  - c. Manufacturer or system normal values
    - Obtain any engineering specifications, drawings, manufacturer information, or other data needed to compare infrastructure inspection/test results with intended values and performance.
  - d. Maintenance history
    - Research the prior maintenance history of assets and systems to determine if any significant conditions or performance levels existed prior to the event.

Identify relevant maintenance and inspection protocols and frequency. Photocopy relevant inspection documentation, or identify maintenance and inspection activities performed and record important data such as the dates performed, results, anomalies, etc.

e. Data comparison

Compare systems performance data (inspections/tests, maintenance history) with prescribed engineering or manufacturer limits/specifications to determine if there may have been any contributing infrastructure/systems factors to the event.

14. Operational Conditions and Factors

a. WMATA operating instructions

Identify all applicable WMATA operating instructions for the type and location of the event.

- (1) Operating rules, procedures, and special instructions
- (2) Maximum authorized speed and speed restrictions
- (3) Operating signs and locations
- (4) Wayside signal locations and aspects capable of being displayed
- (5) Bulletins or other special operating orders in effect at time of event
- (6) Automatic signal systems in effect (train control, cab signals, interlockings, automatic block, etc.)
- (7) Any special operating conditions
- (8) Any verbal or informal instructions in place at the time of the event

b. Other operating instructions

Obtain and research applicable federal and state rules/regulations to determine compliance and effect on event dynamics. As applicable, these should include, at a minimum, the following:

- (1) Federal Railroad Administration regulations, if applicable
- (2) Operating standards and practices
- (3) Equipment standards
- (4) Qualification/certification level requirements
- (5) Inspection/maintenance standards
- (6) Safety standards and practices

15. Interviews and outside reports

a. Primary interviews

Conduct detailed face-to-face interviews as needed to determine sequence of events leading up to and at time of the event. If possible, make an audio record of the interview and obtain interviewee signature. Interviews should include, at a minimum or as applicable:

- (1) Operators or crew members
- (2) Other employees directly or indirectly involved in the sequence of events
- (3) Non-employee event principals
- (4) Passengers
- (5) Bystander witnesses

b. Secondary interviews

Obtain any interview data conducted by other independent sources.

- c. Supervisory reports  
Obtain applicable supervisory reports of investigation.
  - d. Outside agency reports  
Obtain applicable reports of investigation prepared by outside agencies and police.
16. Documenting human factors
- a. Employee records  
Research employee records for performance history or incidents relating to event dynamics. These records should include, but are not limited to, the following:
    - (1) Operating and safety practices compliance
    - (2) Qualification/certification levels and experience
    - (3) Training and continuing education history
    - (4) Accident/Incident history
    - (5) Toxicological and medical history
    - (6) Attendance/discipline history
  - b. Fatigue factors  
Research and document employee hours of service before the event occurred. This should include the following:
    - (1) Time employee reported for duty
    - (2) Elapsed time from on-duty time until time of event
    - (3) Break periods before event
    - (4) Available off-duty hours before reporting for assignment
    - (5) Number of consecutive days worked prior to day of event
    - (6) Nature of off-duty activity prior to event
  - c. Fitness for duty  
Research and document the employee's fitness for duty. This should include the following:
    - (1) Pre-existing medical conditions
    - (2) Results of WMATA toxicology tests
    - (3) Severity (injuries vs. fatalities [if possible, obtain Medical Examiner reports])
      - a. Trespasser events
      - b. Conduct additional research for trespasser events. Research the following:
        - (1) Police reports related to indications of suicide or foul play
        - (2) Medical Examiner toxicological reports
  - d. Potential injury dynamics/survival factors  
Document vehicle, infrastructure, or operating conditions that could have contributed to the casualties or increased their severity.
17. Follow-up toxicological factors
- a. Testing results  
Obtain results of post-event toxicological testing.
  - b. Testing determination  
Obtain determination of toxicological significance, if available.
18. Reconstruction

As considered relevant, reconstruct the event dynamics and sequence of events based upon all data developed from on-site investigation and off-site research. Establish facts that were contributory to the event. Fact-finding should include, as a minimum, the following categories:

- a. Actual vehicle performance
- b. Actual infrastructure performance
- c. Actual employee performance
- d. Mathematical calculations
- e. Scale drawings/diagrams
- f. Photographic evidence

19. Lab Testing

As considered relevant, arrange for testing of materials by a duly certified entity.

20. Analysis

a. When all readily obtainable information is assembled, the Lead Investigator should ensure that all existing evidence is evaluated and make a general determination as to the contributing factors and probable cause of the event. As applicable, the following information should be included:

- (1) All other supervisors' individual reports
- (2) Interview reports
- (3) Technical reports (vehicle, infrastructure, other)
- (4) Outside agency reports
- (5) Data contained on records, if applicable
- (6) Hand-written statements
- (7) Event log data
- (8) Radio/communication tapes and/or transcripts
- (9) Maps, drawings, or diagrams
- (10) Photographs or videos

b. With the previous information assembled, the investigation might not have reached the final stage. Future evidence may surface which could change the determination of probable cause.

## VI. Report and Follow-up

Event report content: At a minimum, the WMSC event report will include the following sections:

- A. Executive Summary
- B. Investigative activities
- C. Sequence of events
- D. Prior to the event
- E. The event
- F. Prior to the event
- G. Findings/analysis
- H. Conclusions
- I. Probable cause
- J. Contributory causes
- K. Recommendations for corrective action to prevent recurrence

## VII. Draft Report

A draft investigation report will be completed by the investigation team and reviewed by the Lead Investigator and Technical Staff **within 45 calendar days** of the WMSC's determination to investigate. The report may be issued sooner depending on the circumstances or as directed by the Chief Executive Officer. In the event additional time is needed for investigative activities (such as reconstruction or testing), the WMSC Chief Executive Officer will notify WMATA Chief Safety Officer in writing in advance of the 45-day deadline. The WMSC Chief Executive Officer will submit the draft report to WMATA for review and comment. WMATA must transmit any comments or additional documentation to the WMSC Technical Staff **within 10 business days** of receiving the draft investigation report. If WMATA fails to submit a response within the specified timeframe, the Chief Executive Officer may utilize the process enumerated in WMSC-SOP-004 to compel WMATA action.

## VIII. Final Report

- A. After WMATA has reviewed and commented on the draft investigation report, **within 10 business days** the WMSC investigation team will prepare a final report incorporating WMATA's feedback as deemed appropriate by the Lead Investigator. The report should detail the investigation, contain explanations of probable and contributory causes, analysis to support a determination of the stated cause, as well as any recommended corrective actions, where needed. Once complete this report will be presented to the WMSC Board for approval and adopted by the WMSC as the final investigation report for the event.
- B. The Chief Executive Officer will issue the final report to WMATA. The Chief Executive Officer is also responsible for presenting final reports to the WMSC Board for informational review at Board Meetings.
- C. *Evidence retention:* In the event that the WMSC has possession of any evidence or materials that belong to WMATA, the WMSC will handle such evidence in accordance with WMSC procedures governing such practices. Any WMSC photographs, reports, measurements, sketches, etc., shall be retained with the event investigation file for not less than seven (7) years. The WMSC staff will perform proper evidence retention and record-keeping pertaining to investigations in accordance with the WMSC procedures.
- D. *Corrective action plans:* The Chief Executive Officer will order that WMATA develops, implements, and will instruct WMSC staff to track appropriate corrective actions in accordance with the WMSC Program Standard and WMSC-SOP-003.

## IX. Compliance Enforcement and Dispute Resolution

- A. The WMSC anticipates WMATA's full cooperation throughout the Investigation process. If however, the WMSC determines that WMATA is non-compliant with any portion of these processes, including but not limited to the timeframes and instructions outlined in this Procedure, the WMSC may use its enforcement authority provided by the Compact, the WMSC Program Standard, or the WMSC Board.

- B. Any disputes between WMATA and the WMSC regarding investigations will be handled in accordance with WMSC-SOP-004.

# WMSC-SOP-006 Budget Oversight

## I. Purpose

The Washington Metrorail Safety Commission (WMSC) identifies overseeing and enforcing the safety of the WMATA Metrorail system as its highest priority to ensure the safety of its passengers, employees, and the general public. The WMSC's commitment to fostering a proactive and positive safety culture is effectuated through the development, maintenance, and execution of various tactical plans, programs, and procedures that include this Standard Operating Procedure (SOP). Through this SOP, the WMSC will exercise oversight and provide input on WMATA's allocation of resources as it pertains to maintaining a state of good repair, improving safety performance, mitigating hazards and safety risk, and correcting safety deficiencies. The WMSC is committed to actively working with WMATA to successfully address any issues which would compromise the safety and health of its passengers, employees and the general public. To this end, the WMSC will take all actions within its authority to ensure that safety is recognized as WMATA's highest organizational priority.

The WMSC Board is ultimately responsible for all State Safety Oversight Agency (SSOA) Activities of the WMSC.

The WMSC Chief Executive Officer (CEO), the Accountable Executive (CEO) is responsible for ensuring that day-to-day SSOA activities are executed effectively and in accordance with Federal requirements, WMSC Board requirements, and the WMSC Program Standard and Standard Operating Procedures.

The WMSC CEO shall keep the WMSC Board apprised of all WMSC personnel activities in conjunction with WMSC Program Standard implementation as well as associated outcomes, next steps, and emerging risks.

The WMSC personnel shall conduct the day-to-day State Safety Oversight functions of the WMSC under the supervision of the WMSC Chief Executive Officer, implement the WMSC Program Standard, and develop reports and other documentation for the Chief Executive Officer and Board. Specific activities to be carried out by the personnel and the methods thereof are enumerated in the WMSC Standard Operating Procedures.

## II. Scope

- A. As authorized by 49 United States Code (U.S.C.) 5329 and 49 Code of Federal Regulations (CFR) Part 670.23, the Administrator of the Federal Transit Administration (FTA) may direct WMATA, as a recipient of Urbanized Area Formula Grants (49 U.S.C. 5307), to spend Federal financial assistance to correct safety deficiencies identified by the FTA or by the WMSC, before WMATA spends Federal funding on other projects. The WMSC will comply with the timeframes for compliance with the Public Transportation Agency Safety Plan 49 CFR 673.
- B. As required by 49 CFR Part 674 and in accordance with the WMSC Compact, the WMSC must review, approve, and oversee the implementation and effectiveness of WMATA's Public Transit System Safety Program Plan (SSPP). The SSPP sets safety standards for WMATA. Should the WMSC identify a safety issue that pertains to or requires the



allocation of resources, the WMSC in its SSPP implementation oversight role may issue budget recommendations to WMATA.

- C. As required by 49 CFR Part 625, WMATA must implement a Transit Asset Management (TAM) Plan to prioritize funds toward achieving and maintaining a state of good repair of the Metrorail system generally and, in particular, to prioritize investments to avoid unacceptable safety risks. The WMSC is required by 49 CFR Part 674 and the FTA's National Public Transportation Safety Plan to oversee WMATA's actions to avoid unacceptable safety risks.
- D. In accordance with 49 U.S.C. 5329 and the WMSC Compact, the WMSC is responsible for conducting oversight of capital projects of the Metrorail System, from the design phase through engineering, construction, testing, and commissioning. This includes Metrorail System projects under ownership and/or construction by parties other than WMATA. (See WMSC-SOP-002 Capital Project Oversight)
- E. As required by 49 CFR Part 674.27, and as authorized by the WMSC Program Standard, the WMSC has established a means for ensuring minimum safety standards. (See WMSC-SOP-004 Enforcement and Dispute Resolution Procedures)
- F. In accordance with Article IV of WMSC Compact and WMSC-SOP-004, the WMSC may direct WMATA to prioritize spending on safety-critical items.
- G. In exercise of its oversight authority over WMATA's allocation of resources, the WMSC through this Procedure will:
  - 1. Perform ongoing oversight of the WMATA budget and budgetary process;
  - 2. Attend budget-related meetings within WMATA and between WMATA and its funding agencies (i.e., the FTA);
  - 3. Issue budgetary recommendations to WMATA;
  - 4. Issue budgetary recommendations to the jurisdictions providing WMATA with capital funding;
  - 5. Direct WMATA to reassess or re-evaluation proposed allocation of its resources; or
  - 6. Direct WMATA to modify the allocation of its resources, if based on WMSC's professional judgment, resources are not being directed to address unacceptable hazards or emerging safety issues or deteriorating state of good repair.

### III. Responsibilities

- A. WMSC Board
  - 1. Review WMSC staff summaries and recommendations regarding the WMATA Capital Needs Inventory (CNI) and Capital Improvement Program (CIP) as they pertain to Metrorail assets;
  - 2. Issue budget letters of recommendation to the WMATA Jurisdictional Coordinating Committee (JCC);
  - 3. Issue budget Modification Directives to WMATA General Manager and Chief Financial Officer; and
  - 4. Adjudicate budget oversight-related disputes pursuant to WMSC-SOP-004

- B. WMSC Chief Executive Officer
  - 1. Update the Board on developments pertaining to WMATA’s capital programming;
  - 2. Advise the Board in the event of a budget-related WMSC enforcement action against WMATA, the issuance of a budget recommendation letter to the JCC, or the issuance of a budget Modification Directive to WMATA;
  - 3. Issue budget Reassessment Directives to WMATA;
  - 4. Issue directives to the WMATA Inspector General if authorized by the WMSC Board;
  - 5. Manage WMSC staff oversight of WMATA’s compliance with and effectiveness of its SSPP, TAM Plan, Corrective Action Plans (CAPs), and capital program plans; and
  - 6. Manage budget-related issues of non-compliance pursuant to WMSC-SOP-004.
  
- C. WMSC Chief Executive Officer will direct WMSC Technical Staff as follows:
  - 1. Manage WMSC’s receipt and review of WMATA capital planning and budget-related documents;
  - 2. Issue budget-related document requests and schedule meetings with WMATA;
  - 3. Identify, through management of the CAP Log, hazard and accident-incident-event logs, issues where the hazard management process would have capital budget implications;
  - 4. Review WMATA CNI; CIP; TAM Plan; Annual Capital, Operating, and Reimbursable Budgets, and updates/revisions thereto;
  - 5. Review and develop reports, as needed, on the WMATA Comprehensive Annual Financial Report (CAFR);
  - 6. Draft reports and memoranda about Metrorail capital expenditures and their prioritization;
  - 7. Issue staff-level budgetary recommendations to WMATA or advise the Chief Executive Officer on such recommendations; and
  - 8. Attend or review materials from WMATA capital projects and budget-related meetings.

#### IV. Ongoing Budget Oversight

- A. The intent of ongoing budget oversight activities by WMSC personnel is to ensure that WMATA’s capital resources for Metrorail are allocated:
  - 1. To adequately mitigate any identified unacceptable hazards and safety risk (in accordance with WMATA’s hazard management and evaluation process);
  - 2. To achieve the safety requirements and standards set forth in the WMSC Program Standard;
  - 3. To achieve the safety standards and performance goals set forth in the WMATA SSPP; and
  - 4. In accordance with the TAM Plan.
  
- B. *Capital Funding Agreement (CFA)*: WMSC personnel will review the WMATA CFA and any updates or revisions thereto. The WMSC Chief Executive Officer will provide updates to the WMSC Board on these reviews. In the event the WMSC Board identifies a concern with the CFA, it may take action as described below in Section V.

- C. *CNI and CIP*: WMSC personnel will review the WMATA CNI and CIP and any updates or revisions thereto. WMSC personnel may request meetings with relevant WMATA departments to discuss elements of the CNI and CIP in further detail, or to suggest modifications to the documents as warranted.
  
- D. *Annual Budget*: WMATA adopts an annual budget with three (3) components: capital, operating, and reimbursable budgets. WMSC personnel may attend or review materials associated with WMATA budget kickoff meetings at the departmental level (typically in September), and continue to engage and track as annual budgets are assembled. WMSC staff may attend WMATA Board Meetings (typically in January-February) where the Annual Budget is reviewed. WMSC personnel may review the final Annual Budget (typically approved by the WMATA Board in April) to do a final verification if funding is preserved for needed improvements.
  1. WMATA shall notify the WMSC in writing (via e-mail or U.S. Mail) at least seven (7) days in advance of departmental-level budget kickoff meetings to allow WMSC personnel the opportunity to participate.
  2. The WMSC's role in WMATA capital budget oversight is explained in Section II above.
  3. The WMATA reimbursable budget covers payments to outside partners such as those involved with construction of the Metrorail Silver Line. The WMSC's role in reviewing this budget pertains solely to expenditures related to the Metrorail system, which includes the Silver Line construction.
  4. The WMATA operating budget covers labor, services, materials and supplies, and fuel/propulsion expenses, among others. The WMSC's role in reviewing this budget pertains to the Metrorail system and personnel. For instance, should the WMSC identify a safety concern related to staffing levels or hours of service, the recommended mitigation may have implications for WMATA's operating budget.
  
- E. *SSPP*: WMSC formally review and approve every iteration of WMATA's SSPP. This process is detailed in the WMSC Program Standard. Where the safety goals and objectives contained in the SSPP involve capital funding and asset management, the WMSC will verify that the WMATA TAM Plan adequately corresponds with its SSPP. WMSC may request meetings with relevant WMATA departments to discuss elements of the TAM Plan in further detail.
  
- F. *WMATA Board Meetings*: In addition to the annual budget Board Meetings described in Section IV-D above, WMSC personnel may attend any other WMATA Board or Board Committee Meetings involving the budget and capital expenditures and review associated materials.

## V. Budgetary Recommendations

Issuance of a recommendations is the first option for the WMSC to provide documented input regarding WMATA budget decisions. Documented staff-level discussions provide for a more collaborative spirit prior to the WMSC exerting its authority through a more rigid enforcement action such as a directive. Recommendations require WMATA to provide a written response.

- A. *Staff-Level Recommendations to WMATA:* In the event the WMSC identifies a potential need for WMATA to reallocate its resources in order to achieve a safety-related outcome, WMSC may hold a meeting with the WMATA General Manager, along with the responsible Executive Management Team member and WMATA Chief Safety Officer present. The meeting(s) will be documented by the WMSC in the form of agenda(s) and meeting minutes. WMSC will convey the WMSC's rationale for the recommendation(s) and stipulate a deadline by which WMATA must respond in writing to the recommendation(s).
- B. *Recommendations to the Jurisdictions:* WMSC Board may send a letter to the JCC, outlining its concern(s) with WMATA's current efforts to fully utilize appropriate funding. The letter may be accompanied by other methods of communication with the JCC, such as meetings, to discuss and attempt to resolve the WMSC's safety concerns regarding the budget.

## VI. Budgetary Directives

- A. *Reassessment Directives:* The WMSC may compel WMATA to conduct a reassessment of its capital budget and to provide its findings to the WMSC Chief Executive Officer. In such an event, the WMSC Chief Executive Officer will send a letter to the WMATA General Manager, outlining the WMSC's concern(s) with WMATA's capital plan or expenditures and rationale for the reassessment. WMATA's General Manager will be required to complete the reassessment and respond to the WMSC Chief Executive Officer by the deadline stipulated by the notification letter. The relevant impacted WMATA rail departments and WMATA SAFE will provide input into this effort to ensure the budget(s) or capital plan(s) in question sufficiently reflect the goals and standards of WMATA's SSPP and TAM Plan.
- B. *Directives to WMATA Inspector General:* The WMSC may compel WMATA's Office of Inspector General (OIG) to conduct a budget-related audit or review. In such an event, the Chief Executive Officer will send a letter to the WMATA OIG, explaining the circumstances for the directive and WMSC's expectations for the process. The WMATA OIG shall follow established WMATA protocol for conducting a financial audit or review and present the results to the Chief Executive Officer by the deadline stipulated by the Chief Executive Officer in the notification letter. The Chief Executive Officer will keep the WMSC Board apprised of WMATA OIG progress and results of such activities.
- C. *Modification Directives:* The WMSC may compel WMATA to modify its capital expenditures in a circumstance where such an action is required to avoid an unacceptable safety risk. In such an event, the WMSC Board will send a letter to the WMATA General Manager, explaining the circumstances for the directive and WMSC's expectations for the process. WMATA shall follow its established protocol for budgetary modifications, up to and including WMATA Board approval, as appropriate.

## VII. Compliance Enforcement and Dispute Resolution

- A. To enforce the requirements of this Procedure, the WMSC may use its enforcement authority provided by the Compact, WMSC Program Standard, or the WMSC Board.

- B. Any disputes between WMATA and the WMSC regarding budget oversight activities will be handled in accordance with WMSC-SOP-004 (Dispute Resolution) and WMSC-SOP-007 (Execution of Enforcement Authority).

# WMSC-SOP-007 Execution of WMSC Enforcement Authorities

## I. Purpose

The Washington Metrorail Safety Commission (WMSC) identifies ensuring and enforcing the safety of the WMATA Metrorail system as its highest priority. The WMSC shall oversee WMATA Metrorail operations so as to ensure the safety of its passengers, employees and the general public. The WMSC's commitment to fostering a strong and positive safety culture is effectuated through the development, maintenance, and execution of various tactical plans, programs, and procedures that include this Standard Operating Procedure (SOP). Through this SOP, the WMSC will take the necessary actions to compel WMATA to act in instances of non-compliance with WMSC oversight activities, and to resolve any disputes between the WMSC and WMATA. The WMSC is committed to actively working with WMATA to address and successfully resolve any issues which would compromise the safety and health of its passengers, employees and the general public. To this end, the WMSC will take all steps within its authority to ensure that safety is recognized as WMATA's highest organizational priority.

The WMSC Board is ultimately responsible for all State Safety Oversight Agency (SSOA) Activities of the WMSC.

The WMSC Chief Executive Officer (CEO), the Accountable Executive (CEO) is responsible for ensuring that day-to-day SSOA activities are executed effectively and in accordance with Federal requirements, WMSC Board requirements, and the WMSC Program Standard and Standard Operating Procedures.

The WMSC CEO shall keep the WMSC Board apprised of all WMSC personnel activities in conjunction with WMSC Program Standard implementation as well as associated outcomes, next steps, and emerging risks.

The WMSC personnel shall conduct the day-to-day State Safety Oversight functions of the WMSC under the supervision of the WMSC Chief Executive Officer, implement the WMSC Program Standard, and develop reports and other documentation for the Chief Executive Officer and Board. Specific activities to be carried out by the personnel and the methods thereof are enumerated in the WMSC Standard Operating Procedures.

## II. Scope

- A. In accordance with 49 United States Code (U.S.C.) 5329 and the Compact, the WMSC is authorized to compel WMATA's compliance with any Corrective Action Plan or order of the WMSC by such means as the WMSC deems appropriate. This includes WMATA Metrorail System projects under ownership and/or construction by parties other than WMATA. The WMSC will comply with the timeframes for compliance with the Public Transportation Agency Safety Plan 49 CFR 673.
- B. This procedure details the practical application of WMSC enforcement authorities authorized in WMSC Compact Article IV, Section A. These enforcement authorities shall apply to the "WMATA Rail System" or "Metrorail" as defined in the WMSC Compact Article I, Section 1(m) as defined in the WMSC Compact Article I, Section 1(m) to include the rail fixed guideway public transportation system and all other real and personal

property owned, leased, operated, or otherwise used by WMATA rail services and WMATA rail projects under design or construction by owners other than WMATA (hereinafter “Project Owner(s)”).

- C. These steps may be executed if the negotiations outlined in WMSC-SOP-004 fail to achieve the successful resolution of WMATA non-compliance. At step five in WMSC-SOP-004, during the formal public meeting with the WMATA General Manager, the WMSC Board may take any of the enforcement actions authorized by the Compact and WMSC Bylaws to compel compliance. Immediate and severe safety issues are not considered noncompliance issues, and may be addressed as soon as possible via enforcement actions described below without the series of meetings outlined in WMSC-SOP-004. These powers include, but are not limited to:
1. Restricting, suspending, or prohibiting rail service on all or part of the WMATA Rail System with an appropriate notice period dictated by the circumstances;
  2. Removing a specific vehicle, infrastructure element, or Hazard from the WMATA Rail System;
  3. Directing WMATA and/or the Project Owner(s) to prioritize spending on safety critical items;
  4. Ordering WMATA to halt the use of an unsafe rule, procedure, or practice that may cause imminent danger to employees, passengers, or the public;
  5. Directing WMATA to remove from performing in any Safety Sensitive Position any individual who is alleged to or has violated safety rules, regulations, policies, or laws; and
  6. Imposing fines to compel action consistent with an WMSC order or directive.

### III. Responsibilities

- A. WMSC Board Chair: Receive final petitions from WMATA General Manager and/or the Project Owner(s)
- B. WMSC Board: Ensure compliance with any Corrective Action Plan or order of the WMSC by such means as the WMSC Board deems appropriate through the enforcement authorities enumerated in Section II, C.
- C. WMSC Chief Executive Officer: Advise the Board regarding final petitions from WMATA General Manager and/or the Project Owner(s), or instances of non-compliance with WMSC Corrective Action Plan(s) or order(s).
- D. WMSC SSO personnel will assist in the gathering and synthesizing of reports, data, technical materials to assist in WMSC’s enforcement actions.

### IV. Cause for Initiating Enforcement Action

The WMSC may take any of the enforcement authorities listed in this procedure when there is a serious and imminent danger to employees, passengers, patrons, or the public. The determination of imminent danger is based on the collective professional judgment of WMSC personnel and its Board representation. The determination may result from, but is not limited to, any of the following:

- A. A hazard analysis and safety risk assessment using MIL-STD-882E that indicates the presence of an unacceptable safety risk;
- B. Technical guidance or recommendations from the Federal Transit Administration or National Transportation Safety Board;
- C. Direct evidence that the condition is presently resulting in a hazard or safety risk that is causing or may cause harm; or
- D. Failure of WMATA to follow its own protocol to correct a known unsafe condition.

To the maximum extent practicable, the WMSC Chief Executive Officer will brief the WMATA General Manager/CEO before any enforcement action is executed. The process for execution of each type of action below indicates whether the action can be taken by 1) the WMSC Board Chair at the recommendation of the WMSC Chief Executive Officer, 2) a full unanimous vote of the WMSC Board.

#### V. Suspension of Service on all or part of the WMATA Rail System

- A. The enormity of WMATA's violation(s), deficiency(-ies), safety issue(s), and/or emergency(-ies), may necessitate emergency suspension of service on all or part of the WMATA Metrorail system if WMATA is unable or unwilling to take appropriate action and there is an imminent safety risk to public safety as determined by the WMSC Board, typically based upon a recommendation from the WMSC Chief Executive Officer. In the event of an emergency suspension of service on all or part of the WMATA Metrorail system, the following protocols will be followed:
  1. Upon a unanimous vote to suspend service, the WMSC Board will provide notice of the emergency suspension in the form of an official order to the WMATA General Manager, directing WMATA to cease service system-wide or within a certain line, section, station, or facility, and identify the reason for the emergency suspension.
  2. The WMSC Board will provide notification of the WMSC's decision to the WMATA Board of Directors, the Governors of Maryland and Virginia, and the Mayor of the District of Columbia.
  3. Upon receipt of the order suspending service, WMATA must immediately begin to suspend its service as directed by the order and complete the service suspension within the amount of time prescribed in the order. WMATA must begin to take steps to remediate the reason for the emergency suspension, and inform the WMSC Board of the actions taken to remediate the violation, deficiency, or safety issue.
  4. Upon resolution of the violation, deficiency, or safety issue, WMATA shall provide written notice indicating that the violation, deficiency, or safety issue has been resolved or appropriately mitigated, to the WMSC Board. As soon as practicable, the WMSC shall review through an on-site inspection to confirm the violation, deficiency, or safety issue has been resolved adequately. WMATA shall grant access to WMSC personnel to perform such an inspection. If engineering modification to the original configuration of the infrastructure, system or asset is instituted in response to the hazard, then the WMSC will conduct a pre-revenue service review to ensure that the newly configured system is safe prior to returning it to revenue



service. Part of its assessment would be to confirm that WMATA has followed its own Engineering Modification Procedure in instituting such an engineering correction.

5. Upon verification of WMATA's remediation, the WMSC Board will provide written approval authorizing WMATA to resume service. In the alternative, if the WMSC finds that the violation, deficiency, or safety issue has not been resolved or mitigated, the WMSC Board will provide written notice to WMATA stating that the matter has not been resolved, that the suspension shall continue and that additional remediation is required. If the WMSC Board determines that WMATA has not resolved the violation, deficiency, or safety issue adequately, the WMSC Board may issue the appropriate financial citation set forth in this section to enforce further remediation as necessary.

## VI. Removal of a Specific Vehicle, Infrastructure Element, or Unsafe Rule/Procedure from the WMATA Rail System, or Prioritization of Spending on Safety-Critical Items due to Failure to Address a Safety Violation

A. In the case where WMATA's and/or the Project Owner(s)' violation, deficiency, or safety issue does not warrant an emergency suspension of service, the following protocols will be initiated:

1. Based on recommendation from the WMSC Chief Executive Officer, the WMSC Board Chair will provide notice, in the form of an official order to the WMATA General Manager and/or Project Owner(s), directing the removal a specific vehicle, vehicle category or class, infrastructure element, or hazard from the WMATA Metrorail system and identifying the reason for the removal. The order may also direct WMATA to halt the use of an unsafe rule, procedure, or practice. The notice may direct WMATA and/or the Project Owner(s) to temporarily restrict and inspect assets or perform a hazard analysis to determine whether the safety issue is systemic. The notice shall include a reasonable time for WMATA and/or the Project Owner(s) to provide the hazard analysis to the WMSC Board, if applicable.
2. Upon receipt, the WMSC Board or designee will review the hazard analysis or results of the inspection and reject or approve it within five business days. If the WMSC rejects the analysis, or WMATA and/or the Project Owner(s) has not provided the hazard analysis within the time set forth in the notice, the WMSC shall arrange a meeting between the WMSC Board and the WMATA General Manger and/or the Project Owner(s) to discuss the concern and agree upon how to resolve the violation, deficiency or safety issue.
  - a. If a solution is agreed upon, the WMSC Board and WMATA General Manager and/or the Project Owner(s) shall memorialize the solution through an amendment of the hazard analysis submitted, and WMATA and/or the Project Owner(s) shall promptly begin to address the address the violation, deficiency or safety issue. See section (4) below concerning resolution.
  - b. If no solution is agreed upon, and the violation, deficiency, or safety issue remains, the WMSC Board may issue an order to WMATA and/or the Project Owner(s) to redirect spending towards addressing the violation, deficiency, or

safety issue, or may issue an order further restricting revenue service or assets until the issue is remediated to the satisfaction of the WMSC Board.

3. If the WMSC agrees with the hazard analysis or results of the inspection, the WMSC Board shall send written approval to WMATA and/or the Project Owner(s) and, upon receipt of the written approval, WMATA and/or the Project Owner(s) shall begin to address the violation, deficiency, or safety issue as set forth in the hazard analysis, if applicable.
4. Upon full mitigation of the deficiency or safety issue described in the hazard analysis, or successful completion of a system-wide inspection, WMATA and/or the Project Owner(s) shall provide written notice to the WMSC Board and the Board shall review to confirm the violation, deficiency, or safety issue has been resolved adequately. If the WMSC Board determines that the violation, deficiency, or safety issue has been adequately resolved, the WMSC Board shall provide notice, in the form of an official correspondence to the WMATA General Manager and/or the Project Owner(s), permitting WMATA and/or the Project Owner(s) to return the specific vehicle, or infrastructure element, to service the WMATA Metrorail system. If the WMSC Board determines that WMATA and/or the Project Owner(s) has not resolved the violation, deficiency, or safety issue adequately, the WMSC shall follow issue the appropriate citation set forth in this procedure to enforce further remediation if necessary.

## VII. Suspending or Disqualifying an Individual from Performing in any Safety Sensitive Position

- A. The removal of an individual from performing in a safety sensitive position is intended to prevent accidents and casualties as a result of employee violation of safety-related rules, policies, or regulations. The severity of an individual's violation will be considered in suspending or disqualifying an individual from performing in any safety sensitive function on the WMATA Metrorail system if WMATA and/or the Project Owner(s) are either unable or unwilling to take appropriate action and there is an imminent safety risk to public safety as determined by the WMSC Board. In the event of a disqualification or suspension of an individual from performing in any safety sensitive function, the following protocols will be followed:
  1. Based on recommendation from the WMSC Chief Executive Officer, the WMSC Board Chair will provide notice of the removal to the WMATA General Manager and/or the Project Owner(s), in the form of an official order, directing WMATA and/or the Project Owner(s) to remove the individual from performing any safety sensitive function, and identify:
    - a. The rule(s), regulation(s), order(s), or standard(s) that the individual is alleged to have violated;
    - b. The factual allegations that form the basis of the initial determination that the individual is not fit to perform safety-sensitive functions; and
    - c. The effective date, duration, and other conditions, if any, of the disqualification order.
  2. Upon receipt of the order, WMATA and/or the Project Owner(s) must immediately and indefinitely disqualify the individual from performing any safety sensitive function.

3. The WMSC may, at its discretion, allow the individual to return to performing safety sensitive functions, once appropriate corrective actions relative to the employee have occurred.
  4. If the WMSC Board determines that WMATA or the Project Owner(s) has not immediately and indefinitely disqualified the individual from performing any safety sensitive function, the WMSC Board may follow issue the appropriate citation set forth in this procedure.
- B. These procedures relate only to an employee's fitness for performing in safety-sensitive positions and shall not constitute an order regarding the applicable individual's overall employment with WMATA and/or the Project Owner(s). This enforcement authority will typically be used in the event that WMATA does not follow its own policies regarding employee discipline following an employee violation that jeopardizes safety. This procedure will not abrogate or alter the employee's rights under the collective bargaining agreement with WMATA or the Project Owner(s). The WMSC may facilitate an informal hearing between WMSC staff and WMATA to review facts of the case and actions taken. As stipulated in the WMSC Compact, WMATA may exercise its rights to escalate a dispute to the United States District Court for the Eastern District of Virginia, Alexandria Division, the United States District Court for the District of Maryland, Southern Division, and the United States District Court for the District of Columbia.

### VIII. Citation Program

The WMSC Compact authorizes the WMSC Board to issue fines to compel compliance with any Corrective Action Plan or order of the Commission. If the procedures outlined above and in WMSC-SOP-004 fail to successfully resolve the disputed matter, the WMSC Board may choose by unanimous vote to issue citations in accordance with the schedule listed below. The amounts received for each citation will be held in escrow, and WMATA and/or the Project Owner(s) will direct these funds towards remediation as ordered by the WMSC. In addition to the fine per incident, daily fines may accumulate until WMATA has mitigated the safety issue satisfactorily as determined by the WMSC. The cited party will have 30 days from the issuance of the citation to remit payment. Each citation issued by the WMSC Board shall include 1) a specification of each alleged violation as listed in the below table, and 2) a statement of the facts upon which each alleged violation is based.

**SPECIFIED VIOLATIONS AND SCHEDULED PENALTIES**

<b>Specified Violation</b>	<b>Scheduled Penalty</b>
Failure to comply with rules for the safety oversight of rail fixed guideway systems as required under Title 49 of the Code of Federal Regulations, Parts 674 and 673, applicable sections of the WMSC Program Standard, and Corrective Action Plans.	\$5,000 per incident plus \$250/day.
Interference with or obstruction of an WMSC inspection, inspections, investigations, examinations, and testing of WMATA personnel and contractors, property, equipment, facilities, rolling stock, and operations of the WMATA Metrorail system, including, without limitation, electronic information and databases, and/or interference with or obstruction of the WMSC's enforcement of state and federal laws, regulations, orders, and directives concerning WMATA Metrorail.	\$10,000 per incident plus \$250/day.
Interference with or obstruction of WMSC Board members or personnel, after reasonable notice and a finding by the WMSC Chief Executive Officer that a need exists, from entering upon WMATA Metrorail system premises upon any lands, waters, and premises adjacent to the WMATA Metrorail system, including, without limitation, property owned or occupied by the federal government, for the purpose of making inspections, investigations, examinations, and testing as the WMSC may deem necessary to carry out the purposes of the WMSC Compact.	\$10,000 per incident plus \$250/day.
Interference with or obstruction of an WMSC accident investigations occurring on WMATA property or directly or indirectly arising from or connected with its maintenance or operation, resulting in loss of life or injury to person or property and requiring, in the judgment of the WMSC, and/or the failure of WMATA to comply with a WMSC order or recommendations with respect thereto.	\$10,000 per incident plus \$250/day.
Failure to prioritize spending on safety-critical items as ordered or directed by the WMSC Board.	\$25,000 per incident plus \$500/day.

Specified Violation	Scheduled Penalty
Failure to remove a specific vehicle, infrastructure element, or Hazard from the WMATA Metrorail system ordered or directed by the WMSC Board.	\$25,000 per incident plus \$500/day.
Failure to, after an appropriate notice period dictated by the circumstances, restrict, suspend, or prohibit rail service on all or part of the WMATA Metrorail system as ordered or directed by the WMSC Board.	\$25,000 per incident plus \$500/day.
Failure to, after an appropriate notice of allegations, suspend or disqualify from performing in any Safety Sensitive Position an individual who is alleged to or has violated safety rules, regulations, policies, or laws as ordered or directed by the WMSC Board. The WMSC, at its discretion, may suspend any fine issued under this provision if WMATA and/or the Project Owner(s) disqualifies the individual in question from performing safety sensitive functions.	\$25,000 per incident plus \$500/day.
Failure of WMATA's Office of the Inspector General, created under WMATA board resolution 2006-18, or any successor WMATA office or organization having similar duties, to conduct safety related audits or investigations and to provide its findings to the WMSC as ordered or directed by the WMSC Board.	\$10,000 per incident plus \$250/day.

### IX. Due Process

As stipulated in the WMSC Compact, WMATA may exercise its rights to contest enforcement action taken against it to the United States District Court for the Eastern District of Virginia, Alexandria Division, the United States District Court for the District of Maryland, Southern Division, and/or the United States District Court for the District of Columbia.

### X. Citation Form

The WMSC will use the following citation form to issue the fine, provide a statement of facts, and justify the penalty.

**The Washington Metrorail Safety Commission  
Freedom of Information Act Policy  
Adopted by the WMSC Board of Commissioners – March 13, 2018**

**Records Requests**

**Section 1 – FOIA Policy**

It is the policy of the Washington Metrorail Safety Commission (WMSC) to adhere to the transparency and public access provisions of the Freedom of Information Act (FOIA) codified at 5 U.S.C. § 552(a)-(d) and (g). The WMSC is not subject to state freedom of information laws.

**Section 2 – Definitions**

- (a) All capitalized but undefined terms here will have the meaning designated in FOIA.
- (b) “Records” means any tangible documents or recordings of any kind used in the transaction of public working and possessed by the WMSC, including, without limitation, email, video tapes, computer data, handwritten notes, and draft documents.

**Section 3 – Purpose**

To ensure compliance with FOIA, the WMSC has developed the following policy for receipt and processing of requests for public records.

**Section 4 – Directive**

All requests for records submitted to the WMSC will be handled in a timely and responsive manner in accordance with the applicable provisions of FOIA.

**Section 5 – Responsible Authority**

The WMSC appoints Nicholas Ramfos, Director of Transportation Operations Programs of the Metropolitan Washington Council of Governments, WMSC’s temporary administrative agent, as the FOIA Administrator responsible for the coordination and administration of this policy and FOIA requests.

**Section 6 – Public Inspection; Procedure**

- (a) Unless otherwise exempt, all existing Records not subject to an exemption under 5 U.S.C. § 552(b) are open to public inspection and copying pursuant to FOIA. FOIA disclosure requirements only apply to existing Records. The WMSC is not required to answer questions about Records or create Records under FOIA.
- (b) The WMSC will follow the following procedure upon receipt of a written request:

1. The WMSC employees or contractors receiving a FOIA request will promptly, but in no event later than 10 days after receipt, forward a copy of the request to the FOIA Administrator along with copies of all other relevant documents and correspondence relevant to the request. The copy should be clearly marked as a FOIA request and include the date of receipt.
2. The WMSC will assign and communicate to the requesting party a tracking number for requests that will take longer than 10 days to process.
3. The FOIA Administrator will evaluate the request and determine whether the request seeks Records that are subject to disclosure under FOIA.
4. If the FOIA Administrator determines that the request seeks Records subject to disclosure, the FOIA Administrator will produce responsive Records to the requesting party no later than twenty (20) working days after the FOIA Administrator's receipt of the request, unless an exemption applies under FOIA (see also Section 6(b)(5) below).
5. If the FOIA Administrator determines that the request is not reasonably descriptive or seeks a Record not subject to disclosure under FOIA, the FOIA Administrator will transmit a letter within twenty (20) working days advising the requesting party of the Records that will not be disclosed along with the applicable reason, unless an exemption applies under FOIA (see also Section 6(b)(5) below).
6. If the FOIA Administrator determines that Unusual Circumstances apply to a request for Records, including, without limitation, a request requiring a search of a voluminous amount of separate and distinct records, the FOIA Administrator will notify the requesting party in writing that up to an additional ten (10) working days is required to comply with the request. If the requesting party narrows the Records request, the FOIA Administrator and the requesting party may agree to an alternative time frame for production. In addition, the twenty (20) working day response period may be tolled if the FOIA Administrator makes up to one (1) reasonable request for information from the requesting party or if necessary to clarify fee assessments with the requesting party.

#### Section 7 – Costs

The WMSC will assess a reasonable fee to the requesting party pursuant to FOIA not to exceed the actual costs of reviewing, searching for, and duplicating Records that may be responsive to the request. This fee includes cost for the time spent reviewing Records for determining whether they may be disclosed under FOIA. If the WMSC determines that the estimated cost of reviewing, searching for, and duplicating Records will exceed \$250, the WMSC may require the requesting party to pre-pay the fee before producing responsive Records.

## Section 8 – Appeals

The Chief Executive Officer of the WMSC or his or her designee will act as the WMSC's FOIA Appeals Officer. A requesting party may appeal the FOIA Administrator's determination denying production of Records or for other allowable reasons under FOIA. The requesting party must appeal this decision in writing to the FOIA Appeals Officer within ninety (90) days of the date of the denial. The FOIA Appeals Officer may not be the same person who handled the initial denied request.

Upon timely receipt of an appeal, the FOIA Appeals Officer will take action and transmit his or her decision to the requesting party within twenty (20) working days of receipt of the appeal.



**The Washington Metrorail Safety Commission**  
**Open Meetings Policy**  
**Adopted by the WMSC Board of Commissioners – March 13, 2018**

Section 1 – Open Meeting Policy

It is the policy of the WMSC to conduct and dispose of all meetings in accordance with the Government in the Sunshine Act codified at 5 U.S.C. § 552b (Sunshine Act). The WMSC is not subject to state open meeting laws.

Section 2 – Sunshine Act Definitions

All capitalized but undefined terms here will have the meaning designated in the Sunshine Act.

Section 3 – Public Observation

Except as stated in 5 U.S.C. § 552b(c), all Meetings of the WMSC will be open to public observation. The Members will not jointly conduct or dispose of WMSC business other than in accordance with the Sunshine Act.

Section 4 – Decision to Hold Non-Public Meeting; Certification

Consistent with 5 U.S.C. § 552b(d), a decision to hold a Meeting not subject to public observation will only be taken when a majority of all Members vote to take such action.

Consistent with 5 U.S.C. § 552b(f), for every Meeting not subject to public observation, the chief legal officer will publicly certify that, in his or her opinion, the meeting may be closed to the public and will publicly state the applicable exempting provision of the Sunshine Act.

Section 5 – Notice of Public Meeting; Contents

Consistent with 5 U.S.C. § 552b(e), the WMSC will make public at least one (1) week prior to the Meeting: (i) the time, place, and subject matter of the Meeting; (ii) the name and phone number of the official designated to respond to requests for information about the Meeting; and (iii) whether the Meeting is subject to public observation. If a majority of the Members determine that the Meeting should be held sooner than one (1) week from the date of notice, such notice will be made at the earliest practicable time before the Meeting.

Section 6 – Minutes of Meetings

The WMSC will promptly make available to the public the transcript, electronic recording, or minutes (as required by the Sunshine Act) of the discussion of any item on the agenda of each Meeting regardless of whether the Meeting was subject to public observation pursuant to the requirements of the Sunshine Act unless such information is exempt from disclosure under the Sunshine Act.

**The Washington Metrorail Safety Commission**  
**Conflicts of Interest Policy**  
**Adopted by the WMSC Board of Commissioners – March 13, 2018**

**1. Purpose**

The Washington Metrorail Safety Commission (the Commission) has been set up as the state safety oversight authority of the Washington Metropolitan Area Transit Authority (WMATA) by its signatory jurisdictions, the District of Columbia, Maryland and Virginia.

The purpose of this Conflicts of Interest Policy (this Policy) for the Commission is to set forth policies and procedures for identifying, documenting, eliminating, or sufficiently mitigating instances where the Commission is not legally or financially independent from WMATA as required by Federal transit law at 49 U.S.C. § 5329, as may be amended from time to time, and the federal regulations promulgated thereunder at 49 C.F.R. Part 674. This Policy is closely based on guidance issued by the Federal Transit Administration (FTA), and is intended to supplement, but not replace, Federal transit law at 49 U.S.C. § 5329 and any other applicable state and federal conflict of interest laws applicable to the Commission and WMATA.

**2. General Approach**

The Commission recognizes the importance of integrity and independence for the safety of public transportation. Because of this, the Commission will identify, document, and eliminate instances of legal or financial conflicts. If a conflict cannot be eliminated, the Commission will take appropriate steps to mitigate such conflict, including make appropriate disclosures. In addition, the Commission will document significant decisions relating to any conflict of interest findings, conclusions, and recommendations and work to identify, minimize, mitigate, and disclose conflicts.

**3. Identifying Conflicts of Interest**

The Commission will continually identify any legal or financial conflicts of interest.

- a. To ensure independence, unless a waiver has been obtained from the FTA, the Commission will not:
  - i. employ any individual who concurrently provides services to WMATA; or
  - ii. hire a contractor who concurrently provides services to WMATA.
- b. To ensure legal independence, the Commission will:
  - i. be a separate legal agency from WMATA;
  - ii. maintain a separate reporting relationship from WMATA;
  - iii. have no shared board members, shared activities or shared supervisory streams with WMATA; and
  - iv. not have a vested legal or organizational interest in the success of WMATA or any of its activities, events or projects.
- c. To ensure financial independence:
  - i. the Commission will not receive direct funding from WMATA to conduct its state safety oversight program;
  - ii. the Commission will not fund WMATA through grants, assistance,

- subsidies, or other programs or activities;
- iii. the Commission will not fund public transportation in the signatory jurisdictions, including non-rail modes, such as bus, community transportation, and other forms of public transportation;
- iv. the Commission will not share funding streams and reporting relationships with other offices or divisions with WMATA or any agency that funds WMATA or supports public transportation in the signatory jurisdictions; and
- v. the Commission will not be financially vested in WMATA and its success.

#### **4. Procedures for Addressing Conflicts**

Because all conflicts cannot be delineated in this Policy, the Commission will act proactively to identify and mitigate conflicts of interest. Examples of some procedures for addressing conflicts are listed below.

##### **a. Disclosure of Conflict**

If after review, the Commission identifies an actual or possible conflict of interest, the Commission will formally document and disclose such conflict to the public, the FTA, any applicable governing authorities (such as funding sources, regulatory authorities or executives of the signatory jurisdictions), and any other stakeholders or constituents through formal written letters or memorandum or notices. Example disclosures are attached as [Attachment A](#). The notice will include all material facts about the real or perceived conflict of interest and how safety issues can be affected by such conflict of interest. The Commission will timely make such disclosures and will not postpone them simply because actions to eliminate or mitigate are planned. Additionally, the Commission may include in the disclosure any plans to eliminate or mitigate the conflict.

##### **b. Elimination of Conflict**

After a real or perceived conflict of interest has been identified, the Commission will consider whether action can be taken to entirely eliminate the conflict either immediately or in the long-term, including by methods such as resignation, reorganization, and change of personnel or responsibilities, and disclose such action.

##### **c. Mitigation of Conflict**

The preferred action is to eliminate conflicts immediately. When this cannot be done, the Commission will develop longer-term plans for eliminating the conflict. Where conflicts of interest cannot be fully eliminated, or during an interim period where longer-term plans to eliminate conflicts are being implemented, the Commission will take all reasonable actions to mitigate such conflicts, including by methods such as recusal, use of outside experts, self-certification (example form in [Attachment B](#)), and restructuring.

## **5. Documentation**

If a conflict is present, the Commission will diligently document all decisions, actions, and inactions regarding the conflict. The Commission will keep at its principal place of business and open for inspection during normal business hours documentation of determinations (such as the inability to eliminate a conflict, recusals, weight given to outside experts, etc.), actions taken or not taken, and explanations of conflicts. Such documentation will include the names of the persons involved in the decisions, the nature of the conflict of interest, any action taken to determine whether a conflict of interest was present, actions taken to eliminate or mitigate the conflict, any alternatives considered, any other decisions made in connection with the conflict, and a record of any votes taken in connection with the decisions.

## **6. Annual Reviews**

On no less than an annual basis, the Commission will conduct a formal review of this policy and other FTA guidance materials on conflicts of interest to consider whether any new conflicts exist or whether any action can or should be taken with respect to conflicts that have been identified. A form to document these formal reviews is attached as Attachment C.

## **7. Adoption of this Policy and Annual Statement**

Each director, committee member, manager, and employee of the Commission with board-delegated powers will initially (upon adoption of this Policy or upon hire, appointment, or grant of such decision-making powers), and annually thereafter, sign a statement that affirms that such person:

- has received a copy of this Policy,
- has read and understands this Policy,
- has agreed to comply with this Policy, and
- understands that the Commission is subject to Federal transit law at 49 U.S.C. § 5329 and is required by law to be legally and financially independent from WMATA.

An example of such statement is attached as Attachment D.

## **LIST OF ATTACHMENTS**

- Attachment A: Example Disclosures of Conflict to the FTA and the Executive Branches of DC, MD and VA and Example of Notice to the Public
- Attachment B: Self-Certification
- Attachment C: Documentation of Annual Reviews
- Attachment D: Form of Statement

**Attachment A**

**Example Disclosures of Conflict**

**Form of Letter to the FTA and Executive Branches of DC, MD and VA**

[Letterhead]

[Date]

The Honorable [\_\_\_\_\_] ]  
Mayor of the District of Columbia  
John A. Wilson Building  
1350 Pennsylvania Ave., N.W.  
Washington, DC 20004

The Honorable [\_\_\_\_\_] ]  
Governor of Maryland  
100 State Circle  
Annapolis, MD 21401

The Honorable [\_\_\_\_\_] ]  
Governor of Virginia  
111 E. Broad St.  
Richmond, VA 23219

[Ms. Angela Dluger  
Deputy Associate Administrator  
Office of Safety and Oversight  
Federal Transit Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590]

Re: Notice Regarding Financial Conflict of Interest of the Commission and WMATA

Dear Mayor [\_\_\_\_\_] ], Governor [\_\_\_\_\_] ], and Governor [\_\_\_\_\_] ] and [Ms. Dluger]:

The State Safety Oversight provisions of Federal transit law at 49 U.S.C. § 5329 require that the Washington Metrorail Safety Commission (the Commission) be financially independent from the Washington Metropolitan Area Transit Authority (WMATA). The Commission and WMATA both receive budgets and grant funds from the [\_\_\_\_\_] ]. This structure creates a financial conflict of interest whereby the Commission may have conflicting goals when making decisions relating to the safety of WMATA. For example, [insert examples scenario where the Commission and WMATA would have conflict].

The Commission is aware of the conflict of interest inherent in the current structure of the Commission and WMATA, and understands the implications for the safety of public transportation. We are currently considering options for eliminating or mitigating this risk. We will provide notice of any action taken by the Commission and WMATA to remedy the situation. We welcome any feedback that you may have regarding the best course of action to take forward.

Sincerely,

The Washington Metrorail Safety Commission

## Example Disclosures of Conflict

### Form of Notice to Public

#### NOTICE

*To: All Interested Parties*

*From: The Washington Metrorail Safety Commission*

*Date:*

*Subject: Notice Regarding Financial Conflict of Interest of Commission and WMATA*

The State Safety Oversight provisions of Federal transit law at 49 U.S.C. § 5329 require that the Washington Metrorail Safety Commission (the Commission) be financially independent from the Washington Metropolitan Area Transit Authority (WMATA). The Commission and WMATA both receive budgets and grant funds from [\_\_\_\_\_]. This structure creates a financial conflict of interest whereby the Commission may have conflicting goals when making decisions relating to the safety of WMATA. For example, [insert examples scenario where the Commission and WMATA would have conflict].

The Commission is aware of the conflict of interest inherent in the current structure of the two organizations, and understands the implications for safety of public transportation. We are currently considering options for eliminating or mitigating this risk. We will provide notice of any action taken by the Commission and WMATA to remedy the situation. We welcome any feedback that you may have on the best course of action to take forward.

**Attachment B**  
**Self-Certification**

The State Safety Oversight provisions of Federal transit law at 49 U.S.C. § 5329 require that the Washington Metrorail Safety Commission (the “Commission”) be financially independent from the Washington Metropolitan Area Transit Authority (“WMATA”). The Commission and WMATA both receive budgets and grant funds from [\_\_\_\_\_]. This structure creates a financial conflict of interest whereby the Commission may have conflicting goals when making decisions relating to the safety of WMATA. For example, [insert examples scenario where the Commission and WMATA would have conflict].

The undersigned hereby certifies that:

1. He/she is a member of the Board of Directors of the Commission;
2. He/she has maintained professional judgment, honesty and integrity in all actions and decisions involving the abovementioned conflict; and
3. He/she has taken all actions with respect to WMATA without consideration of the conflicting goals and interests created by such structure (that is, as though the decision had been made by an entirely independent third party concerned only with the needs of WMATA and its passengers).

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_



**Attachment C**

**Documentation of Annual Review**

Meeting of the Washington Metrorail Safety Commission Regarding Conflicts of Interest

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Location: \_\_\_\_\_

Persons in Attendance:

The State Safety Oversight provisions of Federal transit law at 49 U.S.C. § 5329 require that the Washington Metrorail Safety Commission (the Commission) be financially independent from the Washington Metropolitan Area Transit Authority (WMATA).

The Commission and WMATA have previously identified a financial conflict of interest due to the fact that the Commission and WMATA both receive budgets and grant funds from [\_\_\_\_\_]. This structure creates a financial conflict of interest whereby the Commission may have conflicting goals when making decisions relating to the safety of WMATA. For example, [insert examples scenario where the Commission and WMATA would have conflict]. The Commission and WMATA are taking actions to eliminate or mitigate the effects of such conflict.

After discussion amongst the persons in attendance, the Commission has not identified further legal or financial conflicts of interest at this time.

**Attachment D**  
**Form of Statement**

The undersigned:

- is the \_\_\_\_\_ of the Washington Metrorail Safety Commission;
- has received a copy of the Joint Conflicts of Interest Policy of the Commission;
- has read and understands the policy;
- hereby agrees to comply with the policy; and
- understands that the Commission is subject to Federal transit law at 49 U.S.C. § 5329 and is required by law to be legally and financially independent from WMATA.

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_