

WASHINGTON METRORAIL SAFETY COMMISSION

Date: Thursday, June 18, 2020

Location: This meeting was conducted remotely as a publicly-streamed video conference

MINUTES

Agenda Item #	Items
Attendance	Commissioners present: Members: Chair Christopher Hart, Commissioners Robert Bobb, Debra Farrar-Dyke, John Contestabile, Greg Hull, Alternate Commissioners: Michael Rush, Suhair Al Khatib. All WMSC Staff and members of the public also present.
1.	Call to Order. WMSC Chair Hart, called the meeting to order. Roll call was taken by Allison Fultz, WMSC General Counsel, and a quorum was achieved.
2.	Safety Message. Richard David, Program Specialist focusing on safety, highlighted that June is National Safety Month and 2020’s designated focus on emotional health, ergonomics, building a safety culture, and driving.
3.	Approval of the minutes of the May 12, 2020 meeting: Debra Farrar-Dyke, WMSC Secretary/Treasurer: A motion was made to approve the minutes of the March 12, 2020 public meeting. The motion was seconded. <u>ACTION:</u> The minutes of the May 12, 2020 meeting were unanimously approved. General Counsel Allison Fultz conducted the roll call vote.
4.	Public Comments. Chair Hart invited comments from members of the public who had joined the webinar audience. There were no public comments.
5.	Chair’s Remarks. Chair Hart welcomed attendees to the public meeting. He spoke about the Covid-19 pandemic, expressing sympathy for those who have suffered or died, and the movement for racial justice following the killing of George Floyd, expressing the WMSC’s opposition to racial oppression. He also outlined the meeting agenda, mentioning that it would cover safety investigations, including the final report on the October 7, 2019, collision near the Farragut West station, provide an update on corrective action plans concerning the Rail Operations Control Center (ROCC), discuss the WMSC’s Audit of Metrorail’s Roadway Worker Protection program,

	present the WMSC’s first Annual Operations Report and Annual WMATA Safety Report, and vote on additional resolutions.
6.	<p>CEO’s Remarks. Dr. David Mayer, WMSC CEO, emphasized the WMSC’s steps to protect its staff’s health and safety, with additional focus on accomplishing its work though working and meeting remotely. He updated the Board regarding concerns about deficiencies in the formal Corrective Action Plan proposals the Washington Metropolitan Area Transit Authority (WMATA) submitted. He discussed the fire at WMATA’s headquarters in the Jackson Graham Building and noted the WMSC had a staff member on scene who was briefed by WMATA’s Chief Safety Officer. He then moved to WMATA’s reduction of service during the Covid-19 pandemic and its closure of 12 stations for maintenance, noting that the WMSC would be monitoring WMATA’s safety efforts. After that, he mentioned WMATA is operating only 7000-series cars at this time and beginning to undertake efforts to bring its older cars back into service. From there, he discussed WMATA’s shutdown of certain rail segments and said the WMSC will work with WMATA to ensure all required safety certification steps are followed. He then moved to the Silver Line Phase 2 project Automatic Train Control system tie-in, and mentioned that the WMSC would be monitoring and handling the required safety certification and verification report. The next item he discussed was the WMSC’s monitoring of WMATA’s Public Transportation Agency Safety Plan (PTASP) process, noting that the Federal Transit Administration’s (FTA) PTASP deadline was originally next month, but that has been effectively delayed to the end of 2020. Last, he mentioned Christopher DiFatta had left his employment as the WMSC’s Manager of Compliance and Oversight, and announced to the Board the hiring of Brackett Smith, as Attorney-Advisor and Government Relations Lead, and Davis Rajtik, as Audit Manager.</p>
7.	<p>Consent Agenda. Chairman Hart: Report E20130, which covered a situation where an individual intentionally placed him- or herself in the path of a train, was considered. Hart noted FTA regulations deem the incident an “accident,” but the event was not accidental, so the report was placed on the Consent Agenda. The Consent Agenda was unanimously adopted.</p>
8.	<p>Safety Investigations, Sharmila Samarasinghe, WMSC COO; Bruce Walker, Subject Matter Expert for Operations; David Mayer, WMSC CEO; JeMayne Walker, Subject Matter Expert for Track and Structures.</p> <p>The first investigation covered was Report E19539, the final investigation report for the October 7, 2019, collision of two 3000-series WMATA trains near the Farragut West station that were out of revenue service at the time of the collision. Samarasinghe mentioned there had been an initial investigation, an engineering summit convened by the WMSC, and information in a Nov. 4 follow up meeting. The WMSC required all active railcars be retrofitted with a stop and proceed mode awareness tool, required WMATA to develop additional corrective actions to prevent the unauthorized movement of trains without speed commands, and do more to prevent the use of electronic devices that can pose distractions to operators, and to ensure that those devices will be collected and analyzed in all future investigations. Bruce Walker noted that as a result of the investigation, the Train Operator of the colliding train no longer works for WMATA and is not eligible to be rehired. Additionally, Bruce Walker added that a memo was sent to operations staff</p>

regarding train operations when there is a loss of speed commands, WMATA plans to implement the new stop and proceed mode awareness tool on all cars in service by the end of this calendar year, and WMATA will address the emergency response efforts and opportunity for improvement.

After Walker spoke, Mayer said the collision was the most significant collision on WMATA's mainline tracks in years, and there likely would have been serious injuries if there had been passengers on either of these trains.

Commissioner Contestabile moved to approve Report E19539, with Commissioner Farrar-Dyke seconding it. By voice vote, the Board unanimously voted to adopt Contestabile's motion to approve Report E19539.

Next, the Board heard from JeMayne Walker regarding Report E20125, which covered a serious injury to a Metrorail employee on the Blue and Yellow Line tracks south of Reagan National Airport on March 4, 2020, an Information Technology (IT) Department employee was escorting contractors in the area between the Reagan National Station and the future Potomac Yard Station. As the employee was setting up on-track protection, the employee tripped on debris near the safety walk while crossing from Track 1 to Track 2. This employee continued working, but later went to the hospital where doctors identified a broken ankle.

Walker said that the investigation concluded that IT supervisors are not familiar with the required reporting procedures for accidents and that the height of the step from the Safety Walk to the ground was not highlighted in the job safety briefing. He added that WMATA's Safety Department provided instruction on those procedures at a Local Safety Committee meeting, and that IT will review and assess work instructions to identify and mitigate hazards.

Alternate Commissioner Rush moved to approve Report E20125, with Commissioner Hull seconding it. By voice vote, the Board unanimously voted to adopt Rush's motion to approve Report E20125.

Next, JeMayne Walker discussed Report E20085 regarding a high-rail vehicle derailment at switch B99-65 at the edge of the Brentwood Rail Yard. The investigation concluded that the derailment resulted because an interlocking operator trainee set a route for an adjacent track move without waiting for positive radio communication verifying that the high rail unit was clear. The trainee moved the switch without radio communication confirming the location of the high-rail vehicle. Additionally, the investigation found that the Interlocking Operator who was training the Utility Interlocking Operator Trainee failed to provide adequate oversight.

Commissioner Hull moved to approve Report E20085, with Commissioner Bobb seconding it. By voice vote, the Board unanimously voted to adopt Rush's motion to approve Report E20085.

Last, Bruce Walker discussed Report E20043 regarding a train striking a customer at the Court House Station on the Orange and Silver Lines during the evening rush hour on January 23, 2020. The investigation concluded that the customer had some type of medical emergency, then fell onto Track 1 as Train 616 pulled into the station. WMATA plans no corrective action in relation to the event.

	<p>Alternate Commissioner Rush moved to approve Report E20043, with Commissioner Farrar-Dyke seconding it. By voice vote, the Board unanimously voted to adopt Rush’s motion to approve Report E20043.</p>
<p>9.</p>	<p>Corrective Action Plans (CAP): Sharmila Samarasinghe, WMSC COO; David Mayer, WMSC CEO</p> <p>Samarasinghe noted that the WMSC approved WMATA’s proposed CAPs resulting from the February 2020 Track Audit. These CAPs will ensure that there is a complete written set of protocols governing track maintenance practices, procedures and protocols; set consistent requirements for verifying speed restrictions; provide all personnel with required quality control documents; standardize Yard Inspection forms and implement version control; ensure that appropriate training is provided; ensure heat rides are properly conducted; ensure that rail lubricators are properly refilled; implement annual culvert inspections; and provide regular review to ensure quality control checks are completed as required.</p> <p>Second, Samarasinghe noted the WMSC’s continued focus on the safety problems in the ROCC. In response to findings in December 2019 and May 2020, WMATA outlined some initial steps it is taking to address the issues we raised May 12, but the WMSC remains concerned that WMATA’s proposed CAPs fall short of what is required to create substantive and lasting change. Samarasinghe concluded by noting the WMSC expects to identify in the coming months additional issues within the ROCC that need to be addressed.</p>
<p>10.</p>	<p>Roadway Worker Protection (RWP) Audit, David Mayer, WMSC CEO; Bruce Walker, Subject Matter Expert for Operations</p> <p>Mayer discussed the RWP Audit and noted that RWP policies and procedures are the primary method of protecting employees, contractors, and first responders and customers who must be on or near the tracks.</p> <p>Bruce Walker presented the audit’s findings. He noted that though RWP’s requirements and policies are generally sound and compliance with regular training and recertification requirements has greatly improved, the WMSC was issuing 11 findings requiring CAPs to address shortfalls in policy, procedure, or implementation of the RWP Program. The issues include certain critical safety rules being ignored, electrical safety warning equipment being used without current calibration, workers not meeting all personal protective equipment requirements, training classes lacking in consistency and practical exercises, class instructors not being given the opportunity to meet their own requirements for continuing education and experience, and a failure by WMATA to follow or communicate its own policies requiring reviews of RWP rules on a regular basis. Walker lastly noted that WMATA will have 45 days to propose specific CAPs to address these issues.</p>
<p>11.</p>	<p>Annual Reports, David Mayer, WMSC CEO</p>

	<p>Mayer presented the Compact-required Annual Operations Report and Annual WMATA Safety Report and noted that the reports would be sent to the appropriate Federal and signatory officials following adoption. The Operations Report discusses the WMSC’s internal operations, while the WMATA Safety Report focuses on the safety of the WMATA rail system. Both reports cover calendar year 2019.</p> <p>Mayer noted that the WMSC had an extremely productive year that included taking over direct safety oversight for Metrorail, building a solid team, expanding our expertise, and issuing our first findings and directives.</p> <p>Chair Hart commented on the WMATA Safety Report, noting WMATA reported 716 total safety events in 2019, with the WMSC ordering investigations into events where extensive damage occurred, there was injury, or were likely linked to broader trends. He also noted areas of progress, including on WMATA’s plans for an improved fatigue management policy.</p> <p>Commissioner Farrar-Dyke expressed an interest in having the reports sent to the jurisdictions with the commissioners’ signatures on a cover letter. Chair Hart expressed his support for the idea, and Mayer said the WMSC would work on preparing a letter for the commissioners’ signature.</p> <p>Commissioner Hull moved to approve the Operations Report, with Alternate Commissioner Rush seconding it. By voice vote, the Board unanimously voted to adopt Rush’s motion to approve the Operations Report.</p> <p>Next, Alternate Commissioner Rush moved to approve the WMATA Report, with Commissioner Bobb seconding it. By voice vote, the Board unanimously voted to adopt Rush’s motion to approve the WMATA Safety Report.</p>
<p>12.</p>	<p>Resolutions, David Mayer, WMSC CEO; Lahiru Karunaratne, Business Process Specialist</p> <p>Mayer presented Resolution R-2020-06 proposing a revision to the WMSC Program Standard event matrix. He described the table as listing the specific circumstances when WMATA must provide formal notification of safety events, and outlines the minimum reports required as follow ups for each type of event.</p> <p>Karunaratne described for the Board the change to the event matrix. Among the revisions to the event matrix are eliminating unnecessary codes and separating reporting codes to better analyze long-term trends and resolve any ambiguities that have been identified. Additional revisions simplify language, divide codes that had been lumped together, and provide new specificity that will ensure all notable incidents are required to be reported in sufficient detail.</p> <p>Commissioner Contestabile moved to approve Resolution R-2020-06, with Commissioner Rush seconding it. By voice vote, the Board unanimously voted to adopt Rush’s motion to approve Resolution R-2020-06.</p> <p>Mayer then presented Resolution R-2020-07 proposing actions cover legal services and IT support services, with the exact values of the contracts are pending final issuance and negotiation. The</p>

	<p>contract for legal services with Kaplan Kirsch Rockwell, LLP (KKR), requires approval because its \$425,000 estimated cost exceeds the \$50,000 limit. Likewise, the contract extension with ADP for IT support, with a \$125,000 estimated cost also exceeds the \$50,000 limit, as does the 6-month contract extension with CLA for human resource assistance for an estimated cost of \$75,000.</p> <p>Commissioner Contestabile and Alternate Commissioner Rush asked questions about the whether the KKR contract’s price was on a not-to-exceed basis. Commissioner Contestabile provided suggestions for future procurements generally.</p> <p>Commissioner Hull moved to approve Resolution R-2020-07, with Commissioner Rush seconding it. By voice vote, the Board unanimously voted to adopt Rush’s motion to approve Resolution R-2020-07.</p>
<p>13.</p>	<p><i>Adjourn Christopher Hart, WMSC Chair:</i> The Chair invited everyone to submit safety concerns or to otherwise get in touch through the WMSC’s public website, social media channels, or by mail.</p> <p>He noted that the next WMSC public meeting of the Commissioners is scheduled for Thursday, August 4, 2020. Commissioner Contestabile moved to adjourn the meeting, with Commissioner Bobb seconding it. By voice vote, the Board unanimously voted to adopt Rush’s motion to adjourn.</p>