



## **Washington Metrorail Safety Commission Procedure for Reconsideration of Orders or Directives**

Effective May 18, 2021

### **I. Purpose**

- A. Section 46 of the Washington Metrorail Safety Commission Interstate Compact (P.L. 115-54; 131 Stat. 1093) (WMSC Compact), provides that the Washington Metropolitan Area Transit Authority (WMATA) has “the right to petition the Commission for reconsideration of an order based on rules and procedures developed by the Commission.”
- B. Pursuant to § 46 of the WMSC Compact, the Washington Metrorail Safety Commission (WMSC) establishes the procedures set forth in this document to govern the conduct of WMATA petitions for reconsideration of an order or directive issued by the WMSC in accordance with the WMSC’s state safety oversight activities.

### **II. Petition for Reconsideration of WMSC Orders or Directives**

- A. The WMSC Chief Executive Officer (CEO) will receive, review, and dispose of petitions from the WMATA Chief Safety Officer (CSO) for reconsideration of WMSC orders or directives:
  - 1. *Petition:* WMATA may petition the CEO for reconsideration of a WMSC order or directive. Such a petition should be sent to correspondence[at]wmsc.gov and to the CEO. The petition must be submitted in writing to the WMSC and signed by WMATA’s CSO **within 14 days** of the date of issuance of the WMSC order or directive.
  - 2. *Chief Executive Officer review:* The CEO will coordinate with the WMSC staff to review documentation submitted by WMATA and discuss the petition. WMATA may propose alternative actions if it can demonstrate that an alternative action will provide, in the CEO’s judgment, at least a level of safety equivalent to that provided by compliance with the WMSC’s required action. The CEO must respond in writing to a petition from WMATA **within 14 days** of receipt or transmit written notification to WMATA that additional time is needed due to the particular circumstances at hand. In responding to a petition, the CEO may issue orders or directives to

WMATA on any next steps required by the WMSC, including deadlines as appropriate.

- B. In accordance with § 47 of the WMSC Compact, the filing of a petition for reconsideration of a WMSC order or directive will not act as a stay upon the execution of a WMSC order or directive, or any part of it, unless the WMSC orders otherwise. WMATA may appeal any adverse action on a final petition for reconsideration as set forth in § 48 of the WMSC Compact.