

THE WASHINGTON METRORAIL SAFETY COMMISSION
750 First Street, N.E.
Washington, D.C. 20002

RESOLUTION APPROVING THE WMSC FY2022 WORK PROGRAM AND BUDGET

WHEREAS, the Washington Metrorail Safety Commission (“WMSC”) is the state safety oversight authority for the Washington Metropolitan Area Transit Authority (“WMATA”) Metrorail system and was created for the benefit of the people of the District of Columbia, the Commonwealth of Virginia and the State of Maryland;

WHEREAS, the WMSC entered into a Master Agreement dated June 15, 2019, with the District of Columbia, the Commonwealth of Virginia and the State of Maryland to govern the process for establishing an annual work program (“SSOA WP”) and budget in order for the WMSC to fulfill its state safety oversight responsibilities as required under 49 U.S.C. § 5329;

WHEREAS, the District of Columbia, the Commonwealth of Virginia and the State of Maryland have unanimously agreed to the WMSC’s proposed SSOA WP budget as set forth at Section 41 of the Metrorail Safety Commission Interstate Compact (P.L. 115-54) and in the Master Agreement; and

WHEREAS, the WMSC Board is required under the terms of the Master Agreement to approve and adopt the SSOA WP and budget no later than June 1 for the WMSC fiscal year beginning on July 1.

NOW, THEREFORE, BE IT RESOLVED THAT THE WASHINGTON METRORAIL SAFETY COMMISSION:

Approves the attached SSOA WP and budget.

Adopted by the Washington Metrorail Safety Commission at its public meeting on May 18, 2021.



Washington Metrorail Safety Commission

Fiscal Year 2022 Work Program

Introduction

The Washington Metrorail Safety Commission (WMSC) is the designated State Safety Oversight Agency (SSOA) for the Washington Metropolitan Area Transit Authority (WMATA) Metrorail system. The District of Columbia, the Commonwealth of Virginia, and the State of Maryland created the WMSC to act as the SSOA for the WMATA rail system under Title 49 U.S.C. § 5329.

Federal regulations, specifically Title 49 C.F.R. § 674.5(a), require that “... a State that has a rail fixed guideway public transportation system within the State has primary responsibility for overseeing the safety of that rail fixed guideway public transportation system. A State safety oversight agency must have sufficient authority, resources, and qualified personnel to oversee the number, size, and complexity of rail fixed guideway public transportation systems that operate within a State.”

This document provides details of the work activities related to the WMSC Fiscal Year (FY) 2022 draft budget, which was transmitted to the jurisdictions on October 30, 2020. The WMSC FY 2022 begins on July 1, 2021.

WMSC Organization and Structure

The WMSC was established by the Washington Metrorail Safety Commission Interstate Compact (P.L. 115-54) in August 2017 (the “WMSC Compact”). The Federal Transit Administration (FTA) certified the WMSC’s safety oversight program in March 2019. This certification met a nationwide deadline for establishing and certifying SSOAs, and it triggered a transfer of direct safety oversight responsibility from the FTA to the WMSC. Having been previously operated under the financial auspices of the Metropolitan Washington Council of Governments, the WMSC began its first financially-independent fiscal year on July 1, 2019.

The SSO program of the WMSC is overseen by Commissioners appointed by each of the three signatory jurisdictions to the WMSC Compact: The State of Maryland, the Commonwealth of Virginia, and the District of Columbia (“the jurisdictions”). The work of the WMSC is carried out by a team of full-time staff led by the WMSC Chief Executive Officer (CEO).

The CEO’s authority extends to executing the organization’s Program Standard, overseeing the management of Corrective Action Plans (CAP), initiating and concluding accident investigations, overseeing and directing inspections of the Metrorail system, handling audits of all aspects of the Metrorail system, certifying the safety of major capital projects, ensuring Metrorail’s emergency management preparation is strong and sufficient, resourcing the organization with capable and qualified technical staff, overseeing the organizational accountability and accomplishing the overall mission of the organization. Some SSO powers are reserved for the Commissioners (e.g., adopting safety investigation reports and compelling Metrorail to suspend service on all or part of the system).

The Chief Operating Officer, an Attorney Advisor, Communications Director, and Office Manager report directly to the Chief Executive Officer. The Attorney Advisor provides advice on legal issues facing the WMSC including



safety enforcement and contracting. The Communications Director manages the WMSC's website and media relations. The Office Manager coordinates office logistics, coordinates purchasing and payroll activities, and ensures that the WMSC meets FTA grant application, reporting, and management requirements.

A team of technical staff consisting of subject matter experts (SMEs) in the disciplines that mirror the major technical disciplines integral to the safe operation of Metrorail, along with program specialists, a business process specialist, and an audit manager carry out the day to day execution of the WMSC SSO Program Standard. This technical team is managed by the Chief Operating Officer (COO).

In addition to its technical in-house staff, the WMSC manages a technical services contract with a nationally-recognized firm that specializes in safety oversight work. Through project-specific task orders, the WMSC uses this contract to augment its own staff capabilities effort when needed for safety audits, special investigations, and in case of an emergency.

The WMSC is unique among its 30 sister agencies across the country: The WMSC is the only SSOA that is an independent, self-sufficient agency. All other SSOAs are established as part of a larger agency, such as a state Department of Transportation or a Public Utilities Commission. As a result, these other SSOAs are able to rely on other departments within these larger agencies for organization support. The WMSC's full time staff perform the technical SSO work as well as organizational support activities, such as preparing grant applications, financial management, human resources, legal research, and the like. Although some organizational needs such as human resource support and accounting and financial management are supported by external contractors, WMSC staff remain responsible and accountable for the success and proper oversight of these activities.

More information about the WMSC and its safety oversight may be found on the WMSC's public website, www.wmsc.gov.

WMSC Work Program

The WMSC's work program reflects several considerations. First, it reflects the unique and emerging challenges of overseeing Metrorail safety issues. Second, it reflects workload estimates based on the WMSC's experience over its first-year functioning as an independent SSOA. Finally, it reflects the unique levels of performance the region requires of Metrorail and the robust and uncompromising level of inquiry and oversight required of the WMSC.

On a day-to-day basis, the WMSC must be a 24-7 operation just like Metrorail, which is moving trains and conducting inspections, maintenance, and repairs at all hours of the day and night. WMSC staff receive notifications around the clock regarding safety events that occur in the system. In some cases, the WMSC staff mobilize to these event locations regardless of the times of day to participate in investigations. WMSC staff are constantly assessing the issues raised and determining what additional investigative action is necessary. Metrorail is a complex organization, and providing SSO involves overseeing the following:

- Approximately six thousand employees;
- 485 mainline miles of tunnel, aerial, and surface track;
- 327 mainline switches;
- 365 yard switches;



- 1,296 rail vehicles;
- 91 passenger stations;
- 130 emergency egress locations;
- 130 tunnel fan shafts;
- High-voltage power distribution switchgear, low voltage lighting systems, associated electrical equipment, and cables;
- Numerous Automatic Train Control (ATC) facilities; and,
- The Rail Operations Control Center.

Key Work Program Activities

Federal regulations require the WMSC to publish, maintain, and adhere to a Program Standard that describes the processes and procedures that the WMSC uses to carry out SSO activities, and the processes and procedures that WMATA must use to comply with WMSC requirements. The WMSC reviews and updates its Program Standard annually, and the Program Standard is publicly available on the WMSC website.

Likewise, WMATA is required to develop, maintain, and adhere to its Public Transportation Agency Safety Plan (PTASP). In November 2020, the WMSC Commissioners approved WMATA's initial PTASP, as required by Title 49 C.F.R. § 673.12. The WMSC will review WMATA's updated PTASP each year.

The list below describes the core SSO functions that are governed by the WMSC Program Standard and it explains how these functions provide oversight of WMATA's implementation of its PTASP. These functions include:

1. Conducting or causing to be conducted investigations into safety events such as accidents, incidents, and occurrences, as defined by federal regulations and the WMSC Program Standard. In 2020, the WMSC investigated and the Commissioners adopted 36 safety event investigation reports. In 2019, 19 such reports were adopted. All adopted investigations reports are publicly available on the WMSC website.
2. Ordering, reviewing, approving, monitoring, and verifying Metrorail Corrective Action Plans (CAPs) to address safety deficiencies or non-compliance. The WMSC is currently overseeing 45 open CAPs, many of which were ordered due to WMSC audit findings.
3. Conducting safety audits to verify Metrorail compliance with its PTASP, policies, procedures, and protocols. By the end of 2020, the WMSC will have published four safety audits, two of which were initiated in the prior year. These audits are *Track Maintenance and Training*, *Roadway Worker Protection and Training*, and *Department of Rail Transportation: Rail Operations Control Center*. In December 2020, the WMSC expects to publish an audit of Metrorail's elevated structures. Finally, in 2020, the WMSC initiated two audits that will be completed and published in 2021. These audits pertain to roadway maintenance machines and automatic train control. All published audit reports are publicly available on the WMSC website.
4. Ensuring that capital projects, including new projects as well as rehabilitations, follow an organized method to identify and mitigate hazards prior to entering revenue service. This process is referred to as



Safety Certification. For example, the WMSC is overseeing the safety certification of the Silver Line Phase 2 extension, which will extend the line to Dulles Airport and Loudoun County. This will require considerable staff time as the project is transferred from the Metropolitan Washington Airports Authority to Metrorail for pre-revenue testing and eventual revenue service. The WMSC must provide its approval before the extension can be placed into revenue service.

5. Preparing and providing two annual reports to the Jurisdictions and other stakeholders, including the Metrorail and the FTA. The WMSC Compact requires an annual report on the safety of the Metrorail system, and it also requires an annual report of WMSC operations. The WMSC makes its annual reports publicly available on the WMSC website.
6. Supporting the conduct of an annual independent audit of WMSC finances at the close of the WMSC 2022 fiscal year. (The independent financial audit of the WMSC's 2021 fiscal year is currently underway.)
7. Conducting independent safety inspections of Metrorail infrastructure, operations, and personnel. In 2020, the WMSC technical team conducted approximately 180 inspections. The WMSC makes its inspection reports publicly available on the WMSC website.
8. Conducting Public Meetings of the Commission. In 2020 the WMSC conducted nine public meetings, which included adoption of 36 safety investigations, briefings on safety audit findings, the adoption of revised bylaws and other policies, and the issuance of its annual reports. The WMSC plans to hold nine public meetings in 2021.
9. Taking any necessary enforcement action to compel Metrorail to adhere to its safety commitments.

The following table summarizes the functions listed above and provides an approximate level of staff effort.

Program Activity	Approximate share of Staff Time
Conducting safety investigations	18%
Reviewing, approving, verifying, and closing CAPs	28%
Conducting safety audits	17%
Safety Certification of capital projects	10%
Preparing annual reports	3%
Supporting audit of WMSC finances	4%
Conducting inspections	8%
Conducting Public Meetings	10%
Taking enforcement actions	2%

Budget Process, Funding Sources, and Amounts

On October 30, 2020, the WMSC submitted its draft FY 2022 budget. For convenience, this budget also appears as an appendix to this work program. The budget in the appendix is identical to the one submitted on October 30, and it represents a year-over-year spending reduction of \$633,840. After 16 months of financial independence and actual operational experience, the WMSC has made a concerted effort to state its budget needs as accurately as possible, and this has resulted in the reduction.



The WMSC Compact states that the WMSC's operations are funded independently of WMATA by the three jurisdictions, and, when available, by federal funds. The WMSC Compact also states that the jurisdictions shall unanimously agree on adequate funding levels for the WMSC and make equal contributions of such funding to cover the portion of WMSC operations not funded by federal funds. On June 15, 2019, the WMSC entered into a funding agreement with the three jurisdictions regarding the budget and funding process.

The funding agreement establishes a four-step budget process:

1. By November 1 of each year, the WMSC shares with the jurisdictions a draft budget for the next WMSC FY. As stated above, this was accomplished on October 30.
2. By December 15 of each year, the jurisdictions provide comment on the draft budget to the WMSC.
3. Prior to April 15 of each year, the WMSC provides notice to the jurisdictions confirming unanimous agreement and providing the total share to be paid by the jurisdictions.
4. Finally, no later than June 1, the WMSC Commissioners adopt the budget and it goes into effect on July 1.

Per the funding agreement, the WMSC invoices each jurisdiction for its share in two equal installments: Invoices are issued in June (due on July 15) and in December (due January 15). Federal grant funds are only available to the WMSC on a reimbursable basis, and a 20 percent local match is required. Additionally, the WMSC relies on additional (overmatch) funds from the jurisdictions to cover that portion of its budget that is not covered by federal grant funds and associated matching funds. Finally, the WMSC maintains a six-month reserve fund. Consequently, each invoice breaks the jurisdiction's share into three categories: Matching funds, overmatch, and reserve funds.

The table below lists the applicable federal grants by federal fiscal year (FFY). The table provides the total value of each grant, the federal portion, and the required local matching funds:

FFY	Total	Federal Share	Local Match
2017	\$2,147,762	\$1,718,210	\$429,552
2018	\$4,331,546	\$3,465,237	\$866,309
2019	\$2,207,738	\$1,766,190	\$441,548
2020	\$2,246,607	\$1,797,286	\$449,321

The FFY 2017 grant was the first federal grant awarded to the WMSC. In anticipation of the start of the WMSC's first independent FY, this grant was awarded on June 14, 2019. This grant has now been fully expended. The FFY 2018 grant was awarded to the WMSC on May 1, 2020, and – in addition to the FFY 2018 apportionment – it includes unexpended grant funds from FFYs 2013, 2014, 2015, and 2016 that had previously been awarded to the Metropolitan Washington Council of Governments for SSO purposes. The FFY 2018 grant is the only federal grant that is currently active for WMSC funding.

The WMSC is preparing to apply for the FFY 2019 and 2020 grant funds, and it is expected that these funds will be combined into a single grant award. Like the FFY 2018 funds, the combined FFY 2019 and FFY 2020 funds



will be expended over a period of about five years. Further, this combined award will allow the WMSC to “catch up” with the federal apportionment cycle, which will permit the WMSC to start applying for one and only one FFY grant each year. This should result in a more stable jurisdictional share year-over-year.

As of December 1, 2020, the WMSC has invoiced and collected local matching funds totaling \$963,357. The WMSC is preparing its December 2020 invoice, which will include matching funds in the amount of \$42,846. Therefore, as the WMSC enters FY 2022, it anticipates having collected a total of \$1,006,203 in local matching funds. The sum of the matching funds listed in the table above is \$2,186,321; consequently, in WMSC FY 2022, the WMSC anticipates that the local jurisdictions will be asked to provide the balance of \$1,180,527 in local matching funds (in three equal shares, of course).

In FY 2022, the WMSC also anticipates that the local jurisdictions will be asked to provide overmatch funds. As specified in the funding agreement, as the current WMSC FY 2021 comes to an end, the WMSC will conduct a carryover analysis and reconciliation. Any unspent local funds will be credited to the jurisdictions before calculating the dollar value of the overmatch that will be needed for WMSC FY 2022. It is too early in the current WMSC FY to estimate the carryover amount and thus the exact dollar value of the overmatch. That said, the draft budget in the appendix calls for spending \$633,840 less than the current FY, so it is assumed that the amount of overmatch required next year will be less than for the current year. For reference, the jurisdictions are providing a total overmatch of \$3,981,810 for the current WMSC FY (with each jurisdiction contributing a third of this amount).

Likewise, a reconciliation will also be conducted for the reserve fund. At the end of the current FY, the WMSC anticipates that the reserve fund will hold \$2,847,918. Because the funding agreement calls for a six-month reserve fund, and because the draft budget in the appendix calls for spending \$633,840 less than the current FY, it is assumed that the WMSC will issue a reserve fund credit to the jurisdictions. This reserve fund credit will be made before calculating the dollar value of the overmatch described above.



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Appendix



WMSC FY2022 Budget

ADMINISTRATIVE	
Staff compensation and benefits	<p>\$3,300,000</p> <p>Cost reflects salaries and benefits (health, dental, and vision, and life insurance) for staffing necessary to ensure the WMSC can carry out its mission and maintain level of effort required by FTA certification.</p>
Commission meetings	<p>\$70,000</p> <p>Cost reflects statutorily-obligated stipends and reasonable travel expenses, meeting space costs, catering, meeting materials, and security.</p>
Office equipment and supplies	<p>\$75,000</p> <p>Purchase (or lease) of office equipment (e.g., laptops, monitors, plotters, and printers), office collaboration equipment, office supplies.</p>
Office space lease	<p>\$200,000</p> <p>Cost reflects annual lease of office space and estimated costs for access control (Datawatch), and operating expenses.</p>
Business Insurance	<p>\$150,000</p> <p>Cost reflects annual renewal costs for cybersecurity insurance, liability, property, and acts and omissions policies and approximately \$30,000 reserved for cost increases and/or any additional insurance needed.</p>
Other Employee Benefits	<p>\$60,000</p> <p>Cost reflects SmartBenefits, and tuition reimbursement.</p>
SUBTOTAL	\$3,855,000

CONTRACTORS	
Legal Services	<p>\$425,000</p> <p>Cost reflects annual cost for outsourced General Counsel and legal services.</p>
Organizational services	<p>\$200,000</p> <p>Cost reflects outside contract support for human resources, accounting, procurement, graphics, and employee benefits management services.</p>
IT support services	<p>\$150,000</p> <p>Cost reflects general information technology support services, including laptop configuration and maintenance, website maintenance, email domain management, computer security, and disaster recovery planning.</p>
SSOA staffing support	<p>\$250,000</p> <p>Cost reflects contractor support to provide expert technical services for safety audits and high-profile investigations, and as needed at other times.</p>
SUBTOTAL	\$1,025,000

TRAVEL AND TRAINING	
Training	<p>\$75,000</p> <p>Cost reflects travel and tuition for commissioners and staff to obtain required certifications, as well as training on oversight of drug and alcohol requirements, fatigue and human factors in transportation, accident investigation, investigation interview techniques, project management, and related topics. Training vendors include DOT, FTA, NTSB, and other entities.</p>
Local staff travel	<p>\$12,000</p> <p>Cost reflects reimbursement for travel associated with field work, inspections, and meetings in the National Capital Region.</p>
SUBTOTAL	\$87,000

EQUIPMENT AND MAINTENANCE	
IT software and maintenance	<p>\$50,000</p> <p>Cost reflects acquisition, maintenance, support, and licensing fees for software and data systems to support the WMSC’s mission and IT infrastructure. This includes legal databases, media monitoring, office productivity and other related software, website domain renewal, and the like. Cost also includes office internet and telephone services.</p>
Publications and memberships	<p>\$15,000</p> <p>Cost reflects maintaining staff professional licenses and memberships, technical publications and subscriptions, WMSC organizational memberships (e.g., National Safety Council, American Public Transportation Association).</p>
Personal protective equipment	<p>\$20,000</p> <p>Cost reflects purchase of personal protective equipment and inclement weather gear required for staff to work safely in the rail system.</p>
Tools and instruments	<p>\$10,000</p> <p>Cost reflects acquisition and testing of speed monitoring equipment, track measuring tools, cameras, and other electronic devices and specialized work equipment for that are needed to conduct field inspection activities.</p>
SUBTOTAL	\$95,000
TOTAL	\$5,062,000