

**Maryland House of Delegates**

**Appropriations Committee**

**Transportation and the Environment Subcommittee**

**Remarks of Dr. David L. Mayer, CEO, the Washington Metrorail Safety Commission**

**February 6, 2020**

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Good afternoon Chair Korman, Vice-Chair Krimm and members of the subcommittee.

On behalf of our chair, Christopher Hart, and the commissioners of the Washington Metrorail Safety Commission, I want to say thank you for having the WMSC before you to speak today.

I also want to say thank you to all in the Maryland General Assembly who were instrumental in standing up the WMSC and who continue to support us in our mission.

Finally, I want to recognize WMATA for its willingness to work with us as we establish a new safety oversight framework to ensure Metrorail is operating at the highest levels of safety. I was managing director of the NTSB during its investigation of the 2009 Fort Totten collision, a day that saw nine lives lost. I'm acutely aware of the complexities of Metrorail and its importance to the region. I'm also a customer and personally depend on Metrorail to be safe, secure and reliable.

I wish to briefly highlight several key points before answering any questions.

For those who might not be familiar with our work, the WMSC is the independent state safety oversight agency – or SSOA – for Metrorail. We do not operate Metrorail – that is WMATA's job – but we ensure Metrorail is operating safely. We act similarly to how the FAA oversees safety on airlines, or the FRA oversees railroads. That was not always so. In 2012, Congress bolstered the requirements for transit oversight nationwide, and, in 2016, U.S. DOT regulatory action triggered a 2019 Congressional deadline for each state with a rail transit agency to establish a stronger and more effective SSOA.

Meanwhile, as the new SSOA framework developed, it became apparent by the 2015 L'Enfant Plaza smoke event – in which a passenger died – that Metrorail faced urgent safety challenges. The NTSB's in-depth investigation found many deficiencies, and for

over three years, the U.S. Department of Transportation actually took charge of direct oversight of Metrorail safety.

In 2017, Maryland, Virginia and DC all enacted identical legislation establishing the WMSC, which Congress ratified in 2017, granting the WMSC significant enforcement and access powers. The three jurisdictions appointed commissioners and elected Christopher Hart as chair. He served as NTSB vice chairman during the Fort Totten investigation and as NTSB chairman during the L'Enfant investigation. I joined in 2018 as CEO and began building a team of experts in rail safety.

In March 2019 – just under a year ago – the FTA officially certified our oversight program, returning to the region WMATA safety oversight the U.S. DOT had taken over in 2015. We are fully up and running. We use our authority to carry out six core functions, which I will address in order:

**First, investigations.** Our program requires WMATA to conduct thorough investigations of safety incidents, and those investigations culminate in detailed reports. The WMSC participates extensively in the investigation process, and ultimately, it is the WMSC that owns the investigation reports that WMATA produces. If the reports that WMATA produces meet our standards, our commissioners will adopt them; otherwise, we send them back to WMATA to resolve any issues. So far, that process has worked. We've adopted seventeen investigation reports at public meetings, which are all on our website for public review. We plan to review and consider for adoption another five at our public meeting next Thursday, February 13.

**Second, inspections.** Our experts have been in the system vigilantly since we were certified. We're inspecting track and structures, signals systems, electrical power and railcars and have carried out observations on trains and in the Rail Operations Control Center or ROCC, where WMSC staff currently spend about 40 hours per week observing activities on all three shifts. We've undertaken approximately seventy risk-based inspections since March 2019, pointing out deficiencies to WMATA and verifying fixes.

**Third, audits.** We conduct safety audits of Metrorail. We plan to present our findings on track inspection and maintenance at next week's public meeting, including several findings where Metrorail must make changes to fix safety gaps we've discovered. We're finalizing a second audit of WMATA's efforts to protect workers from hazardous on the tracks. In the weeks ahead, we'll audit Metrorail's operations control center and rail operations.

**Fourth, Corrective Action Plans or “CAPs.”** When the WMSC was certified, we integrated 101 CAPs the U.S. DOT had been overseeing into our framework. Since certification, we’ve found WMATA has taken acceptable action to warrant closure of 49 CAPs. And based on our own investigations, we are issuing new findings that will necessitate new CAPs. Transparency is critical, so we are posting CAP updates on our website ([wmata.gov](http://wmata.gov)) to help the public evaluate progress. We are currently overseeing 46 open CAPs, and we have issued new safety findings that will result in several more CAPs.

**Fifth, emergency management.** L’Enfant was a wake-up call that WMATA and its regional partners needed to improve how they coordinate and communicate during emergencies. It appears WMATA has made significant strides through drills and exercises, but as we saw on December 10 of last year, WMATA still has more work to do. On that day, the operator of a train on the Red Line reported seeing “sparks” in a tunnel. What followed were a number of procedural and operational mistakes, many reminiscent of the factors that led to the L’Enfant disaster in 2015: Passengers put in proximity to a fire for an unacceptably long time; first responders in close proximity to a live third-rail electrical hazard; and, at the ROCC, chaos and confusion by managers yelling and issuing conflicting instructions. The WMSC issued findings to WMATA on necessary improvements, and WMATA is developing corrective action plans to make these improvements.

**Sixth, safety certification.** Finally, our last core function is overseeing the WMATA’s safety certification of major capital projects, such as the Silver Line Phase 2. We have been conducting inspections and carrying out oversight of the project since before we were certified.

We’re carrying out other key tasks. We’ll evaluate WMATA’s newly required Public Transportation Agency Safety Plan to determine if the plan meets federal requirements.

We’ve established a safety reporting portal on our website and invited public feedback. We’ve received numerous safety concerns, which we’ve raised with WMATA to ensure appropriate measures are taken.

Of the country’s 31 SSOAs, we are the only one that stands on its own. We are not housed within a larger state transportation department or public utilities commission. This means we must carry out extensive administrative, legal and financial work on our own.

But our safety oversight is key. On October 7, just after midnight, two eastbound trains that were not carrying passengers collided between Foggy Bottom and Farragut West stations. This collision highlights how we participate in investigations; this one is ongoing, and we're participating step-by-step in interviews, tests, and data analysis. And we held productive "summits" with WMATA to address the technical and operational issues raised by the investigation. The incident highlights our oversight of CAPs, and our commitment to transparency. We shared information with the public, an approach we will continue. And we issued findings in the weeks that followed on areas where Metro must improve.

The October 7 collision and December 10 Red Line fire response both show there is more work to do – and how important it is that WMATA continue to welcome our oversight and the transparency we seek. Our only interest is making Metrorail safer.

We will continue our safety oversight efforts as I've detailed them. I look forward to keeping you informed and to your questions today.

Thank you.