



Washington Metrorail Safety Commission

Fiscal Year 2023 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) 2023 draft budget, which was transmitted to the jurisdictions on October 31, 2021, in keeping with the requirements of the *Master Agreement among Washington Metrorail Safety Commission, Commonwealth of Virginia, District of Columbia and the State of Maryland regarding member jurisdictions state safety oversight funding contributions*. The WMSC FY 2023 begins on July 1, 2022.

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 safety event investigations, overseeing and directing inspections of the Metrorail system, Public Transportation Agency Safety Plan (PTASP), oversight of Metrorail’s safety certification process including Metrorail’s compliance with the process for major capital projects, ensuring Metrorail’s emergency management preparation is, resourcing the WMSC with capable and qualified technical staff, overseeing the organizational accountability and accomplishing the overall mission of the WMSC. 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 Deputy CEO & Chief Operating Officer, Chief Financial Officer, Chief Oversight Strategy and



Communications, and Attorney Advisor and Government Relations Lead report directly to the Chief Executive Officer.

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 managers for investigations, safety certification, audits, and corrective action plans (CAP), and technical and program specialists, carry out the day-to-day execution of the WMSC SSO Program Standard. This technical team is managed by the Deputy CEO and Chief Operating Officer.

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, when needed, for safety audits, and other specific efforts arising out of our SSOA program work.

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, and legal research. Although some organizational needs such as human resource support and certain aspects of accounting and organizational management are supported by external contractors, WMSC staff remain responsible and accountable for the success and proper oversight of these activities. Building on the continuous organizational improvement achieved in FY 2022, including the hiring of the WMSC's first Chief Financial Officer (CFO), in FY 2023 the WMSC will maintain its financial responsibility, and will begin to internalize these functions as the organization matures.

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 the work necessary to provide the most effective safety oversight of the Metrorail system, keeping in mind Metrorail riders, employees or contractors, and others such as first responders. It reflects the unique challenges of overseeing Metrorail safety issues, including the robust levels of performance the region requires of Metrorail and the robust and uncompromising level of inquiry and oversight required of the WMSC. Staffing levels and planned tasks reflect workload estimates based on the WMSC's experiences as an independent SSOA, and the resources necessary to complete requirements such as those specified in the WMSC Compact. In FY23, the WMSC expects this work to include, among many other areas, close, continuing oversight of Metrorail's railcar programs following the WMSC's identification of safety issues and issuance of related orders in FY22. The WMSC expects to continue work into FY 2023 related to the National Transportation Safety Board (NTSB) investigation of the October 12, 2021, derailment, and related to oversight of Metrorail's implementation of a plan to safely return each 7000 Series railcar to passenger service.

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 as part of our role in investigations. WMSC staff are constantly assessing the



issues raised and determining what additional investigative action is necessary. Metrorail is a complex organization and conducting rail safety oversight involves overseeing Metrorail practices to ensure the safety of approximately 117.9 miles of track infrastructure, 1139 rail cars, 91 stations, and the readiness of several thousand Metrorail employees who have roles in operation, inspecting, maintaining, training, and engineering the Metrorail system.

Key Work Program Activities

The WMSC Compact and 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. 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. As of December 31, 2021, a revised PTASP took effect. The WMSC reviews each update to WMATA's PTASP. The updates are required at least annually.

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 will continue to be work efforts that the WMSC will carry out in FY 2023.:

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 2021, the WMSC investigated, and the Commissioners adopted 86 safety event investigation reports. In 2020 and 2019, 36 and 19 such reports were adopted, respectively.
2. Ordering, reviewing, approving, monitoring, and verifying Metrorail Corrective Action Plans (CAPs) to address safety deficiencies or non-compliance. The WMSC is currently overseeing 94 open CAPs, many of which were ordered due to WMSC audit findings.
3. Conducting safety audits to verify Metrorail compliance with its PTASP, policies and procedures. By the end of FY 2022, the WMSC will complete its first triennial cycle of audits. In FY 2022 the WMSC conducted seven safety audits. These audits pertain to Fitness for Duty, Emergency Management and Fire & Life Safety Programs, Revenue Vehicles, Traction Power, Rail Operations, and Stations, Elevators and Escalators. All published audit reports are publicly available on the WMSC website. With the start of FY 2023, the WMSC will start a new triennial cycle of audit.
4. Ensuring that capital projects, including new projects as well renewal projects, 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 Phase2 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 concurrence before Metrorail can place this extension 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 auditor concluded that the financial statements of the 2021 fiscal year presented fairly, in all material respects, the financial position of the WMSC. This was the second annual financial audit, each of which has had an unmodified or “clean” opinion.
7. Conducting independent safety inspections of Metrorail infrastructure, operations, and personnel. In Calendar Year 2021, the WMSC technical team conducted approximately 148 inspections. The WMSC makes inspection reports publicly available on the WMSC website.
8. Conducting Public Meetings of the Commission. In calendar year 2021 the WMSC conducted nine public meetings, which included adoption of 91 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 2022.
9. Taking any necessary enforcement action to compel Metrorail to adhere to its safety commitments. In calendar year 2021 the WMSC took several enforcement actions including issuing an order to WMATA regarding providing CCTV access to the WMSC and two WMSC Orders removing 7000 series rail cars from revenue service until Metrorail could prepare, under WMSC’s oversight, a return to service plan to allow for the safe return of each 7000 series rail car to revenue service.

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

Program Activity	Staff Time (est.)
Conducting safety investigations	19%
Reviewing, approving, verifying, and closing CAPs	25%
Conducting safety audits	18%
Safety Certification of capital projects	8%
Preparing annual reports	3%
Supporting audit of WMSC finances	4%
Conducting inspections	8%
Conducting Public Meetings	8
Taking enforcement actions, staff training, responding to requests from public and media	7%



Budget Process, Funding Sources, and Amounts

On October 31, 2021, the WMSC submitted its draft FY 2023 budget. For convenience, this draft budget also appears as an appendix to this work program. The draft budget in the appendix is identical to the one submitted on October 31, and it represents a year-over-year spending increase of \$913,000. After 30 months of financial independence and actual operational experience, the WMSC has made a concerted effort to state its budget needs as accurately as possible. This concerted effort to assist the jurisdictions resulted in a budget reduction in FY 2022 compared to FY 2021. The WMSC's workload assessment and planning demonstrates this increase is necessary to carry out our work.

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 31.
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 (payment due on July 15) and in December (payment 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
2021	\$2,630,601	\$2,104,481	\$526,120



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, FFY 2019 and the FFY 2020 grants are currently active for WMSC funding.

The WMSC is preparing to apply for the FFY 2021 grant funds. All grants will be expended over a period of about five years.

As the WMSC entered FY 2022, it has collected a total of \$2,186,730 in local matching funds. The sum of the matching funds listed in the table above is \$2,712,850; consequently, in WMSC FY 2023, the WMSC anticipates that the local jurisdictions will be asked to provide \$526,120 in local matching funds (in three equal shares, of course).

In FY 2023, 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 2022 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 2023. 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 \$768,840 more than the current FY, so it is assumed that the amount of overmatch required next year will be more than for the current year. For reference, the jurisdictions are providing a total overmatch of \$1,862,142 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 \$2,531,000. Because the funding agreement calls for a six-month reserve fund, using a 12 month "look back" period, we anticipate that WMSC will issue a reserve fund credit to the jurisdiction. This credit is because the 12 month "look back" period for FY 2021, the most recently completed audited period, had total expenses of \$4,250,274. The calculated reserve fund balance is \$2,125,136, with a calculated credit of \$405,864 (with each jurisdiction receiving a third of this amount). This reserve fund credit will be made before calculating the dollar value of the overmatch described above.

The WMSC reviewed and addressed all questions from the jurisdictions during the budget process and a unanimous agreement on funding levels was received prior to the April 15 deadline.



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Appendix



WMSC FY2023 Budget

ADMINISTRATIVE	
Staff compensation and benefits	<p>\$4,130,000</p> <p>Cost reflects salaries and benefits (health, dental, vision, life insurance, and retirement) for staffing necessary to ensure the WMSC can carry out its mission and maintain the level of effort required based on 49 CFR 674. Due to the experience thus far with the NTSB investigation that began in late 2021, the WMSC's associated orders, and guidance provided by the FTA, we are budgeting to gradually increase our FTEs from our current level of 18 to 23 in FY2023. We are also budgeting staff increases that will allow management to reward employees and make market adjustments to stay competitive. Our benefit rate is being budgeted at 21.5% of salaries.</p>
Commission meetings	<p>\$50,000</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>\$50,000</p> <p>Purchase and depreciation (or lease) of office equipment (e.g., laptops, monitors, plotters, and printers), office collaboration equipment, office supplies.</p>
Office space lease	<p>\$218,000</p> <p>Cost reflects annual lease of office space and estimated costs for access control 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>\$15,000</p> <p>Cost reflects SmartBenefits, and tuition reimbursement.</p>
SUBTOTAL	<p>\$4,613,000</p>

CONTRACTORS	
Legal Services	<p>\$425,000</p> <p>Cost reflects annual cost for outsourced General Counsel and legal services.</p>
Organizational services	<p>\$175,000</p> <p>Cost reflects outside contract support for human resources, accounting, procurement, graphics, and employee benefits management services.</p>
IT support services	<p>\$200,000</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>\$450,000</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	\$1,250,000

TRAVEL AND TRAINING	
Training	<p>\$25,000</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	\$37,000

EQUIPMENT AND MAINTNEANCE	
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>\$10,000</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>\$10,000</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>\$5,000</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	\$75,000
TOTAL	\$5,975,000