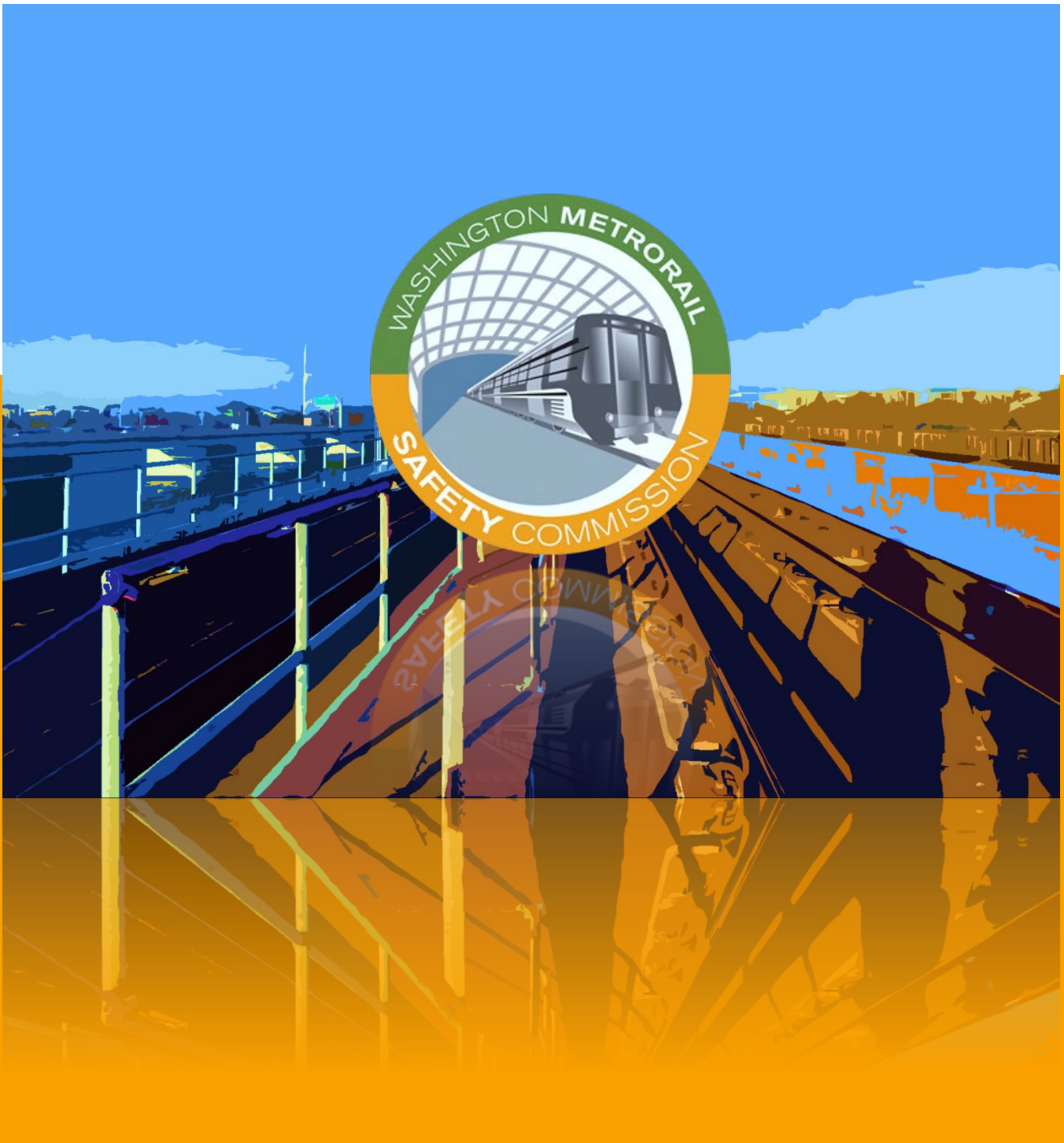


WASHINGTON METRORAIL SAFETY COMMISSION

PROGRAM STANDARD

SEPTEMBER 10, 2023



REVISIONS

Revision	Effective Date	Section	Note of Change
0	September 26, 2018	All new	Original Program Standard
1	July 11, 2019	Section 8 Accident Investigations	WMSC Resolution R-2019-9
2	September 10, 2019	Section 8 Accident Investigations	WMSC Resolution R-2019-10
3	July 1, 2020	Appendix A — Safety Event Notification Matrix update	WMSC Resolution R-2020-06 (Update also notes retired codes.)
4	June 1, 2021	All sections	WMSC Resolution R-2021-06 (Condense and streamline document, including consolidation of appendices into body of document.)
4.1	June 28, 2021	Section 7 Safety Event Notification & Section 8 Safety Event Investigations	WMSC electronic vote conducted June 21–23, 2021 (Update to incorporate WMATA’s newly created Incident Management Official (IMO), incorporate IMO’s internal role into event scene release, and reporting updates. Technical update to “Using the Program Standard” to specify new Juneteenth National Independence Day holiday.)
4.2	December 7, 2021	Section 10.A.2 Safety Certification Verification	WMSC Resolution R-2021-14 (Temporary Use Notice (TUN) interim update.)
5.0	July 11, 2022	All sections	WMSC Resolution R-2022-03
6.0	September 10, 2023	All sections	WMSC Resolution R-2023-04 (Update practices and procedures and further ensure that the document conforms with the WMSC Compact and federal regulations.)

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USING THE PROGRAM STANDARD

A. Time Calculation

The following rules apply for calculating any deadline or timeline stated in this Program Standard or any other deadline or timeline set by the WMSC in any other communication.

1. When a deadline or timeline is stated in a format that is date or time certain (e.g. September 1, 2020 2:00 p.m. or similar) that is the deadline/timeline that controls.
2. **When the period is stated in days or a longer unit of time:** Exclude the day of the event that triggers the period; count every day, including intermediate Saturdays, Sundays, and holidays (defined below); and include the last day of the period, but if the last day is a Saturday, Sunday, or holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or holiday.
3. **When the period is stated in hours:** Begin counting immediately on the occurrence of the event that triggers the period; count every hour, including hours during Saturdays, Sundays, and holidays.
4. “Holiday” means:
 - a. The day set aside by federal statute for observing New Year’s Day, Presidential Inauguration, Martin Luther King Jr.’s Birthday, President’s Day, Memorial Day, Juneteenth National Independence Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, or Christmas Day. and
 - b. Any day declared a holiday by the President or Congress.

B. Acronyms and Abbreviations

A table of acronyms and abbreviations used in this Program Standard is located at Appendix A.

SECTION 1: PROGRAM MANAGEMENT

This section outlines the WMSC’s authority and states reporting requirements.

Program management. The SSO program standard must explain the authority of the SSOA to oversee the safety of rail fixed guideway public transportation systems; the policies that govern the activities of the SSOA; the reporting requirements that govern both the SSOA and the rail fixed guideway public transportation systems; and the steps the SSOA will take to ensure open, on-going communication between the SSOA and every rail fixed guideway public transportation system within its oversight.

49 C.F.R. § 674.27(a)(1).

A. Introduction

This Program Standard describes the Washington Metrorail Safety Commission’s (WMSC) State Safety Oversight (SSO) program for the Washington Metropolitan Area Transit Authority’s (WMATA) Metrorail System as authorized by the WMSC Compact and as required by statute at Title 49 U.S. Code Section 5329 and Federal Transit Administration (FTA) regulations at Title 49 Code of Federal Regulations Parts 670–74.

B. WMSC Authority

The WMSC is the entity created by an interstate compact via independent legislative acts of the District of Columbia, the Commonwealth of Virginia, and the State of Maryland.¹ The Compact grants the WMSC oversight authority over the entire WMATA Rail System (Metrorail), which includes all real and personal property owned, leased, operated, and otherwise used by WMATA rail services, and WMATA rail projects under design or construction by entities other than WMATA. The Compact provides the WMSC’s safety oversight authority over WMATA personnel (employees and contractors), property, equipment, facilities, rolling stock, and operations of the WMATA Rail System, including, without limitation, electronic information and databases.

In accordance with 49 U.S.C. § 5329 and 49 C.F.R. § 674.15(b), the WMSC is the designated State Safety Oversight Agency (SSOA) for Metrorail. The WMSC adheres to regulations promulgated by the FTA pertaining to the oversight of Rail Fixed Guideway Public Transportation Systems, which may be found at 49 C.F.R. Parts 670–74.

The WMSC adheres to federal regulations and acts under the Compact’s authority to conduct oversight activities on the WMATA Rail System and adjacent property, including but not limited to investigatory and other actions such as:

- Investigating safety events and requiring WMATA to investigate safety events, including allegations of non-compliance pursuant to 49 C.F.R. § 674.25(c).
- Examining compliance with policies for safe operation, maintenance, and use of the WMATA Rail System.

¹ The legal authority for the WMSC is derived from an interstate compact, which was authorized by identical legislation enacted by each of the jurisdictions served by Metrorail: D.C. Act 21-666, which became law on February 10, 2017; Maryland H.B. 119, which became law on March 30, 2017; and Virginia H.B. 2136, which became law on March 24, 2017. The U.S. Congress granted its consent and approval of the WMSC Compact via H.J.Res.76, which became P.L. 115-54 on August 22, 2017 (accessible at <https://wmsc.gov/library/compact/>). The Program Standard collectively refers to this legislation as the “WMSC Compact” or “Compact”.

- Conducting independent assessments and evaluations of safety issues.
- Conducting announced and unannounced inspections.
- Reviewing records, including electronic information and databases.
- Interviewing WMATA employees or contractors.
- Reviewing video and audio recordings.
- Accessing data downloaded from electronic devices and recorders.
- Taking measurements and photographs.
- Observing employees in the performance of work.
- Issuing subpoenas.
- Taking legal action in a court of competent jurisdiction.
- Issuing citations or fines.
- Directing WMATA to prioritize spending on safety-critical items.
- Removing a specific vehicle, infrastructure element, or hazard² from the WMATA Rail System.
- Restricting, suspending, or prohibiting rail service, with appropriate notice, on all or part of the WMATA Rail System.
- Directing WMATA to suspend or disqualify from performing in a Safety Sensitive Position³, an individual (employee or contractor) who has violated safety rules, regulations, policies, or laws in a manner that the WMSC determines makes that individual unfit for performance in such a position.
- Furnishing of records to include print and electronic records; audio and video recordings; all or each that might be central to an ongoing investigation, inspection, observation, or evaluation attached to a WMSC activity.
- Inspection of infrastructure, equipment, records, personnel (employees and contractors), and data.
- Reviewing the data that WMATA collects when identifying and evaluating safety risks.
- Take other such actions that the WMSC may deem appropriate.

C. WMSC as Independent Agency

In accordance with 49 U.S.C. § 5329(e)(4)(A) and the WMSC Compact, the WMSC is financially and legally independent of WMATA, and does not employ any individuals who are also responsible for the administration of any rail fixed guideway public transportation program that would be subject to a state safety oversight (SSO) program.

D. Organization Structure; WMSC Lines of Authority

The WMSC Compact vests the organization's authority in the Commissioners who are appointed by the District of Columbia, the State of Maryland, and the Commonwealth of Virginia. The day-to-day work of the WMSC is led by the Chief Executive Officer (CEO). The Deputy CEO/Chief Operating Officer (COO) oversees and supervises a team that includes subject-matter experts in the areas of train operations, rail vehicles, traction power, track, structures, automatic train control, rail safety, fire and life safety, emergency management, as well

² *Hazard* means any real or potential condition that can cause injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a rail fixed guideway public transportation system; or damage to the environment. (49 C.F.R. § 674.7.)

³ *Safety Sensitive Position* means "any position held by a WMATA employee or contractor designated in the Public Transportation Agency Safety Plan for the WMATA Rail System and approved by the [WMSC] as directly or indirectly affecting the safety of the passengers or employees of the WMATA Rail System," such a position is one that affects the safety of WMATA personnel (employees and contractors), first responders or the public, regardless of whether the position is frontline or upper-level management. (WMSC Compact § 1(h).)

as other staff. The WMSC ordinarily adjusts staffing levels in conjunction with the workload assessment described in Section 1.D.1 or based on any other determined needs.

WMSC staff are authorized to perform duties in furtherance of all aspects of this Program Standard. The WMSC may also retain contractors to support the activities of WMSC staff. WMSC staff and contractors alike are agents of the WMSC. As such, WMSC staff and contractors represent the WMSC in all activities pertaining to the performance of this Program Standard. Contractors may represent the WMSC without the presence of WMSC staff.

1. WMSC Staffing

The WMSC ordinarily conducts a workload assessment to determine the appropriate level of WMSC staffing on an annual basis as part of the WMSC's annual budget process. This assessment includes all WMSC areas of responsibility and determines the appropriate number and type of full-time equivalent WMSC personnel. The WMSC may conduct a workload assessment more frequently or less frequently than annually depending on whether any program changes occur. The WMSC may add additional support as warranted.

E. Access

1. Right of Access

The WMSC Compact authorizes the WMSC to conduct “inspections, investigations, examinations, and testing of WMATA personnel and contractors, property, equipment, facilities, rolling stock, and operations of the WMATA Rail System, including, without limitation, electronic information and databases through reasonable means, which may include issuance of subpoenas.” (WMSC Compact § 31(a).) This authority permits the WMSC direct access to all Metrorail personnel (employees and contractors), databases, and systems.

In addition, the WMSC may “enter upon the WMATA Rail System and, upon reasonable notice and a finding by the Chief Executive Officer that a need exists, upon any lands, waters and premises adjacent to the WMATA Rail System, including without limitation property owned or occupied by the federal government.” (WMSC Compact § 31(b).) This may include unescorted access to WMATA property and adjacent property at the WMSC's discretion. WMSC staff will identify themselves to WMATA staff upon request.

When public transit is not practicable, the WMSC may require specific access, such as parking.

a. Free and Open Communication with WMATA Personnel

Any WMATA personnel (employee or contractor) to whom a WMSC employee or contractor addresses a request for information must promptly provide the requested information to the WMSC.

Personnel must be allowed to communicate with the WMSC freely and openly. WMATA may not retaliate against any individual who interacts with the WMSC. WMATA may not proscribe or otherwise discourage communication, cooperation, or the sharing of information with the WMSC.

b. Electronic Systems Access

The WMSC will consult WMATA in determining the most effective form of access to the WMATA Rail System's electronic systems. At a minimum, unless the WMSC grants an exception on a case-by-case basis, WMATA must provide password-protected logon credentials for all WMSC personnel

requesting such credentials and any other assistance necessary to fully access and use the systems for which access is sought.

Electronic system access includes but is not limited to:

- i. Data
- ii. System monitoring utilities
- iii. Intranet resources
- iv. Cloud-based applications
- v. Internal drives
- vi. Radio or other communication channels
- vii. Other systems used by WMATA or WMATA contractors

WMATA may fulfill this obligation through provision of WMATA-issued devices, corresponding security access tokens, and dedicated profiles on the WMATA network for all WMSC personnel requiring such credentials. By providing such devices, credentials, and full access to all Metrorail systems, Metrorail meets the requirement to provide data in all immediately accessible and archival formats, in their original form, as information is generated, retrieved and gathered, for all of WMATA's data and applications (e.g. Maximo, Documentum, Windchill, GOTR, Procure, any successor software applications, and other applications not listed). Data may only be edited or altered for purposes of making it understandable and useable.

WMATA must appoint an information technology point of contact for the WMSC to ensure that the WMSC has immediate and unimpeded access to all systems.

2. Notification to WMATA Personnel

Not less frequently than every three months, WMATA must issue a notification to all WMATA personnel (employees and contractors) directing all such personnel to cooperate and respond immediately to any and all requests made by WMSC personnel, and to promptly provide any requested information directly to the WMSC.

WMATA must also include this notification as part of every new employee on-boarding. For contractors, WMATA must include the notification to the contractor in each authorization to begin work.

In addition, WMATA may not retaliate against any official, employee, consultant, or contractor who interacts with the WMSC. WMATA may not proscribe or otherwise discourage communication, cooperation, or the sharing of information with the WMSC. These assurances must also be conveyed in the notification.

3. WMATA Metrorail Organization Chart

On or before July 1 of each year, WMATA must submit to the WMSC a comprehensive organization chart or series of organization charts that include every department that has a role related to the WMATA Rail System. The submission must include all positions with names and titles (including roles filled by contractors), and descriptions of each department area that has a role in the management, operations, or maintenance of the WMATA Rail System. The organization chart must be in portable document format (PDF), word searchable, and fully readable.

F. Communications Between WMSC and WMATA

Communications between the WMSC and WMATA occur at all levels of both organizations. Frequent and candid communication between the WMSC and WMATA is essential, as it serves to maintain transparency, cooperation, and rapport. This communication may be formal (e.g. written correspondence or orders) or informal (e.g. discussions in the field, ad-hoc meetings, teleconferences, or phone conversations), and it also includes topical recurring meetings and information exchanges. WMSC staff are regular observers or participants at WMATA activities that include emergency drills/exercises, safety meetings, and training activities.

The WMSC favors informal, oral communication wherever appropriate. When written communication is required, the WMSC will communicate with WMATA electronically. Accordingly, the WMSC requires that all written communications from WMATA to the WMSC also occur electronically via e-mail to WMSC.gov addresses or the WMSC's file sharing platform (currently fulfilled by the WMATA-WMSC Collaboration SharePoint site). WMATA must carbon copy correspondence[at]WMSC.gov as well. This extends to correspondence, notifications, status updates, cyclical reports, responses to WMSC electronic communication, document production requests, and all other written communication. WMATA must adhere to deadlines or timelines stated in this Program Standard as well as to those set by WMSC staff. The WMSC may adjust deadlines or timelines in writing when the WMSC determines it is necessary, which includes deadlines or timelines stated in this Program Standard.

Metrorail must also provide near real-time alerts to the WMSC detailing safety events and other events in all parts of the WMATA Rail System. This is fulfilled by the following:

1. WMATA's Rail Operations Control Center (ROCC) Alerts e-mailed to alerts[at]WMSC.gov and reports e-mailed to notifications[at]WMSC.gov.
2. If implemented, Automatic Wayside Inspection System (AWIS) Alerts e-mailed to alerts[at]WMSC.gov.

The WMSC acknowledges this information is preliminary and requires such alerts and reports to continue as a requirement of access in furtherance of safety oversight.

G. WMSC Actions Relating to Required Documents

For WMATA documents that the WMSC has required WMATA to submit to the WMSC for adoption, approval, or acceptance, if the WMSC determines that the adoption, acceptance, or approval process is no longer required for that document or for revisions to that document, the WMSC will communicate such a change of action to WMATA via e-mail.

H. Reporting Requirements

1. Compact Requirements

The WMSC is required to publish annually a status report on the safety of the WMATA Rail System. (WMSC Compact § 35.) This report must include status updates of outstanding Corrective Action Plans, WMSC directives, and ongoing investigations.

As also required by the WMSC Compact, the WMSC publishes an annual report on its programs, operations, and finances. (WMSC Compact § 37.)

The WMSC Compact requires the WMSC to provide a copy of each of these reports to the FTA Administrator; the Mayor of the District of Columbia and the D.C. Council; the Governor of Maryland and

the General Assembly; the Governor of Virginia and the General Assembly; and to the WMATA General Manager and the WMATA Board of Directors. (WMSC Compact §§ 35, 37.)

2. FTA Requirements

On or before March 15 of each year, in accordance with 49 C.F.R. § 674.39, the WMSC submits the following to FTA:

- a. Updates and revisions to this Program Standard, along with any updates and revisions to the procedures accompanying this Program Standard, with a summary of changes to the Program Standard made during the previous twelve months.
- b. Evidence that each of the WMSC's employees and contractors has completed the requirements of the Public Transportation Safety Certification Training Program or, if in progress, the anticipated completion date of training.
- c. A publicly available report that summarizes the WMSC's oversight activities for the preceding twelve months, describes the causal factors of accidents identified through investigation, and identifies the status of corrective actions, changes to WMATA's Public Transportation Agency Safety Plan (PTASP), and the level of effort by the WMSC in carrying out its oversight activities.
- d. A summary of the triennial audits completed during the preceding twelve months, and WMATA's progress in carrying out CAPs arising from triennial audits.
- e. Evidence that the WMSC has reviewed and approved any changes to the WMATA Public Transportation Agency Safety Plan during the preceding twelve months.
- f. Certification that the WMSC is compliant with FTA's annual reporting requirements as outlined in this Section 1.H.2.

The materials for the FTA SSO Annual Report are submitted electronically through a reporting system specified by FTA.

3. Public Transportation Safety Certification Training Program (PTSCTP)

Designated WMSC staff who are enrolled in, and have completed, the Public Transportation Safety Certification Training Program (PTSCTP) must subsequently complete one hour of safety oversight refresher training **within two years** of the date each WMSC staff member received the PTSCTP certificate. Thereafter, this one hour of safety oversight refresher training must be completed for each two-year interval.

The WMSC determines that the one hour of safety oversight training required by 49 C.F.R. § 672.11 is satisfied by one or more of the following:

- a. Attendance at the FTA Joint State Safety Oversight and Rail Transit Agency Workshop.
- b. Attendance at any National Transportation Safety Board course offering of at least one hour in length.
- c. Attendance at any roadway worker protection (RWP) training course provided by WMATA.
- d. Attendance at any other transit or rail safety course of at least one hour in length that is offered by an entity of repute (e.g. transportation-related associations, agencies, or entities).

SECTION 2: PROGRAM STANDARD AND MINIMUM STANDARDS FOR SAFETY

This section explains the WMSC's process for developing, reviewing, adopting, and revising its Program Standard and for establishing minimum standards for safety.

Program standard development. The SSO program standard must explain the SSOA's process for developing, reviewing, adopting, and revising its minimum standards for safety, and distributing those standards to the rail fixed guideway public transportation systems.

49 C.F.R. § 674.27(a)(2).

An SSOA must establish minimum standards for the safety of all rail fixed guideway public transportation systems within its oversight. These minimum standards must be consistent with the National Public Transportation Safety Plan, the Public Transportation Safety Certification Training Program, the rules for Public Transportation Agency Safety Plans and all applicable Federal and State law.

49 C.F.R. § 674.25(a).

A. Program Standard Development

1. Review and Revision

The Program Standard describes the elements and methodology of the WMSC's safety oversight program. This Program Standard was developed in accordance with the WMSC Compact and federal requirements to include, but not limited to, 49 U.S.C. § 5329 and 49 C.F.R. Parts 670–74.

The WMSC reviews this Program Standard **at least once each calendar year** and updates as needed.

The WMSC develops proposed Program Standard revisions based on the experience of implementing the Program Standard. The WMSC CEO designates the WMSC staff member responsible for compiling such changes. Any revision to the Program Standard is evaluated against the Compact, federal regulations, then-current guidance from FTA, and recommended industry best practices. Discussions with WMATA personnel (employees or contractors) may also occur at the WMSC's initiation, and, where appropriate, the WMSC may incorporate suggested changes that enhance safety or provide pragmatic efficiencies that further cooperation with WMATA or WMATA's compliance with the Program Standard.

If WMATA is provided an opportunity to respond (as provided in Sections 2.A.1.a–c), WMSC staff consider WMATA's response (if any response is received) and incorporate any changes as WMSC staff determine appropriate. The revised Program Standard is presented to the WMSC Board. No revisions WMATA recommends may alter the scope of the WMSC's oversight authority. The WMSC retains sole discretion to incorporate any aspect of WMATA's response.

The WMSC Board may adopt this new revision of the Program Standard. Once adopted, WMSC staff determine a reasonable effective date for the new revision to allow sufficient time for WMATA to disseminate any changes throughout the organization. If the WMSC Board does not adopt this new revision, the Program Standard should be returned to WMSC staff for further changes. The WMSC determines whether WMATA is provided another review period to consider all or part of any additional revisions. Once any version of the Program Standard is adopted by the WMSC Board and takes effect, that version of the Program Standard remains in effect until subsequently revised.

a. Annual Review and Revision

Once WMSC staff develop a final draft of the revised Program Standard, the WMSC transmits the final draft to the WMATA Executive Vice President & Chief Safety Officer, Safety & Readiness. For a Program Standard review classified by the WMSC as annual, WMATA is provided **30 days** from the transmission of the draft Program Standard to review and provide response (if any) to the WMSC. WMATA is not required to respond; however, this is WMATA's opportunity to propose factual corrections to the Program Standard as it pertains to WMATA's organization and functions.

b. Interim Review and Revision

Once WMSC staff develop a final draft of the revised Program Standard, the WMSC transmits the final draft to the WMATA Executive Vice President & Chief Safety Officer, Safety & Readiness. For a Program Standard review classified by the WMSC as interim (not part of annual review, not requiring immediate change), WMATA is provided **10 days** from the transmission of the draft Program Standard to review and provide response (if any) to the WMSC. WMATA is not required to respond; however, this is WMATA's opportunity to propose factual corrections to the Program Standard as it pertains to WMATA's organization and functions. The WMSC endeavors to use the interim revision process for changes between annual review periods.

c. Critical Review and Revision

For a Program Standard review classified by the WMSC as critical, which requires an immediate change to the Program Standard, the WMSC may provide WMATA with a specified period to review and respond depending on the circumstances necessitating a critical revision to the Program Standard; however, the WMSC prefers to provide WMATA with a period of time to review and respond. The WMSC may make any revision under this Section 2.A.1.c that is necessary for the purpose of safety. Whether or not WMATA is provided time to review and respond, the WMSC informs WMATA about any actions required under a critical revision in addition to the language of the critical revision as soon as practicable.

2. Distribution of the Program Standard

The WMSC CEO or COO transmits each adopted version of the Program Standard to the WMATA Executive Vice President & Chief Safety Officer, Safety & Readiness, the WMATA General Manager, and the WMATA Board of Directors who must then further disseminate the Program Standard's requirements and also carry out the necessary safety promotion activities as embodied in WMATA's Public Transportation Agency Safety Plan (PTASP) to all relevant personnel (employees and contractors) throughout WMATA.

All revisions to the Program Standard are submitted to the FTA as part of the WMSC's annual report submission.

B. Minimum Standards for Safety

In accordance with 49 C.F.R. Parts 673–74, WMATA is responsible for establishing its own minimum standards for safety. However, if the WMSC determines it is necessary to establish a minimum standard to improve safety, the WMSC develops, reviews, adopts, or revises any practices used by any standard-setting organizations. This includes, but is not limited to, the U.S. Department of Transportation, the American Public Transportation Association (APTA), or any other organization that is relevant to the standard under development. In the absence, deficiency, or inapplicability of other standards, the WMSC may develop, review, adopt, and revise its own standards.

If the WMSC is developing or reviewing a minimum standard for safety, the WMSC will inform WMATA and set a meeting date with WMATA to discuss the proposed standard prior to or during WMATA's review period. Prior to the adoption of any standard, WMATA will be provided **30 days** to review and comment on any technical concern related to that standard including the proposed future effective date. The WMSC will review any technical concern provided by WMATA and, as appropriate, the WMSC will incorporate revisions based on those comments received from WMATA. The WMSC will then issue the standard with a specified future effective date.

Each minimum standard for safety adopted under this Section 2.B will be reviewed **within 5 years** from the effective date of its most recent revision. Any revision to an existing standard that is adopted under this Section 2.B must follow the same steps as provided in this section of the Program Standard that is in effect at the time the revision is occurring. If no revision is required, the WMSC will inform WMATA in writing.

SECTION 3: PROGRAM POLICY AND OBJECTIVES

In accordance with 49 U.S.C. § 5329 and 49 C.F.R. Part 674, the WMSC is the independent entity with safety oversight and enforcement authority over Metrorail.

Program policy and objectives. The SSO program standard must set an explicit policy and objectives for safety in rail fixed guideway public transportation throughout the State.

49 C.F.R. § 674.27(a)(3).

A. WMSC Policy for WMATA Safety

In accordance with the Compact (§§ 4–9): Six commissioners and three alternates serve on the WMSC Board. Each member must have a background in transit safety, transportation, relevant engineering disciplines, or public finance. Among other responsibilities, the WMSC Board reviews Metrorail’s Public Transportation Agency Safety Plan, adopts investigation reports, receives status updates of Metrorail’s progress on corrective action plans, and adopts the Program Standard.

The WMSC’s daily operations are led by the CEO who oversees highly trained technical staff to conduct inspections, investigations, audits, reviews, and other oversight activities. This includes monitoring and reviewing Metrorail’s efforts to correct conditions identified by the WMSC’s oversight work.

WMSC staff includes experts in all aspects of the WMATA Rail System including train operations, rail vehicles, traction power, track, structures, automatic train control, rail safety, fire and life safety, emergency management, as well as project staff. The WMSC operates completely independent of WMATA.

Among other authority, the WMSC can, as necessary, require Metrorail to restrict, suspend, or completely shut down rail service.

To ensure continuous safety improvement of the WMATA Rail System, the WMSC is authorized and fully prepared to:

- Conduct investigations.
- Issue subpoenas.
- Take legal action in a court of competent jurisdiction.
- Issue citations or fines.
- Direct WMATA to prioritize spending on safety-critical items.
- Remove a specific vehicle, infrastructure element, or hazard from the WMATA Rail System.
- Restrict, suspend, or prohibit rail service, with appropriate notice, on all or part of the WMATA Rail System.
- Direct WMATA to suspend or disqualify from performing in a Safety Sensitive Position, an individual (employee or contractor)—or group of individuals—who has violated safety rules, regulations, policies, or laws in a manner that the WMSC determines makes that individual unfit for the performance in such a position.
- Take other such actions that the WMSC may deem appropriate, consistent with the WMSC’s purpose and authority.

B. WMSC Objective for WMATA Safety

The WMSC establishes the following:

- The WMSC requires continuous safety improvement for the WMATA Rail System.
- The WMSC requires, in accordance with Section 4.A, that WMATA have a compliant PTASP that WMATA must review, update, approve, and submit annually.
- The WMSC requires WMATA to create, review, approve, implement, and verify CAPs as provided in this Program Standard.
- The WMSC or WMATA conduct investigations of safety events as provided in this Program Standard.
- The WMSC enters and inspects WMATA property, equipment, infrastructure, facilities, vehicles, operations, and maintenance activities in fulfillment of safety oversight, which includes digital systems, data, etc.; WMATA must cooperate with the WMSC's efforts.
- The WMSC conducts audits of WMATA on an ongoing basis, with a complete review of the WMATA Rail System occurring once triennially in accordance with the WMSC Compact § 30(e).
- The WMSC provides annual or periodic information to the District of Columbia, Maryland, and Virginia as required by the WMSC Compact.
- The WMSC provides annual or periodic information to the FTA as required by regulation.
- The WMSC is as transparent as practicable in its activities, while protecting safety sensitive information inherent in all its activities.
- The WMSC maintains a strong and cooperative working relationship with WMATA employees and management.
- The WMSC judiciously uses its enforcement authority to address safety trends and concerns promptly and effectively.

SECTION 4: OVERSIGHT OF PTASP, SAFETY PLANS, INTERNAL SAFETY REVIEWS, AND BUDGET

This section explains the WMSC’s role in overseeing WMATA’s execution of its PTASP, safety plans, internal safety reviews, and budget.

Oversight of Rail Public Transportation Agency Safety Plans and Transit Agencies’ internal safety reviews. The SSO program standard must explain the role of the SSOA in overseeing an RTA’s execution of its Public Transportation Agency Safety Plan and any related safety reviews of the RTA’s fixed guideway public transportation system. The program standard must describe the process whereby the SSOA will receive and evaluate all material submitted under the signature of an RTA’s accountable executive. Also, the program standard must establish a procedure whereby an RTA will notify the SSOA before the RTA conducts an internal review of any aspect of the safety of its rail fixed guideway public transportation system.

49 C.F.R. § 674.27(a)(4).

A. WMATA PTASP

The WMSC oversees the implementation of Metrorail’s PTASP, as required by 49 U.S.C. § 5329 and 49 C.F.R. Part 673. The PTASP constitutes Metrorail’s stated commitment and approach to identifying, eliminating, or mitigating hazards throughout the WMATA Rail System with the purpose of continually improving its safety performance.

1. Preparing a Compliant PTASP

WMATA’s PTASP must include the elements required by 49 U.S.C. § 5329 and 49 C.F.R. Part 673, as may be amended from time to time, including but not limited to:⁴

- a. A description of the authority establishing the Safety Management System (SMS).⁵
- b. An objective process for safety risk management, with adequate means of risk mitigation for Metrorail.
- c. A process and timeline for annually reviewing and updating the PTASP consistent with Section 4.A.2.
- d. A comprehensive staff training program for the operations personnel (employees and contractors) directly responsible for the safety of Metrorail.
- e. Identify a fully certified safety officer who reports directly to the WMATA General Manager.
- f. A program to support the execution of the PTASP by all personnel (employees and contractors) for Metrorail.
- g. The creation of a new WMATA Safety Committee that satisfies the amended requirements of 49 U.S.C. § 5329(d) that will be fulfilled by the Joint Labor and Management Safety Committee (JLMSC).

⁴ [The Infrastructure Investment and Jobs Act, H.R. 3684, 117 Cong. \(1st Sess. 2021\)](#), also known as the Bipartisan Infrastructure Law (codified as amended at 49 U.S.C. § 5329 (2021)), affects PTASP requirements. Further instruction is provided in the FTA’s [February 17, 2022 Dear Colleague Letter as well as FTA’s Special Directive 22-50 \(issued Oct. 21, 2022\)](#). The WMSC will work with WMATA to comply with this new law.

⁵ “Safety Management System (SMS) means the formal, top-down, organization-wide approach to managing safety risk and assuring the effectiveness of a transit agency’s safety risk mitigation. SMS includes systematic procedures, practices, and policies for managing risks and hazards.” (49 C.F.R. § 673.5.)

- h. Approval by the WMATA Safety Committee, the WMATA General Manager (i.e. the Accountable Executive⁶), and the WMATA Board of Directors, which constitutes an endorsement of the safety.
- i. Other requirements promulgated through future FTA regulations or stated as requirements by the WMSC.

As required by 49 C.F.R. § 674.29, in determining whether to approve WMATA's PTASP, the WMSC must evaluate the following:

- j. Whether the PTASP is consistent with 49 U.S.C. § 5329, 49 C.F.R. Part 673, the National Public Transportation Safety Plan, and compliant with this Program Standard.
- k. Whether the PTASP was approved by WMATA's Joint Labor and Management Safety Committee, General Manager, and Board of Directors.
- l. Whether the PTASP sets forth a sufficiently explicit process for safety risk management, with adequate means of risk mitigation for Metrorail.
- m. Whether the PTASP includes a process and timeline for annual review and update.
- n. Whether the PTASP provides for the development of safety performance measures and adequate safety performance targets.
- o. Whether the PTASP includes a comprehensive personnel (employee and contractor) training program for operations personnel, maintenance personnel, and personnel directly responsible for the safety of Metrorail.
- p. Whether the PTASP identifies an adequately trained safety officer who reports directly to the General Manager.
- q. Whether the PTASP includes adequate methods to support the execution of the PTASP by all employees, contractors, and agents for Metrorail.

2. PTASP Annual Review

WMATA must submit a revised PTASP, and other associated documents, to the WMSC for review at least once each calendar year. Each year, the WMSC coordinates with WMATA to enable PTASP review and revision. WMATA must initiate this process **within a practicable time but not later than June**.

All reviews and approvals—staff and board levels at both WMATA and the WMSC—must conclude, and a new PTASP revision must take effect, **within 12 months from the effective date of the last revision**. However, in the event the PTASP revision occurred earlier in a given year, the WMSC and WMATA may agree to follow a different timeline that may in fact exceed the aforementioned “within 12 months from the effective date of the last revision” so long as a new revision is achieved in each calendar year.

The FTA's RTA and SSOA PTASP Review Checklist is to be used by both the WMSC and WMATA to ensure compliance with federal regulations.

a. Staff Review and Conditional Approval

Upon receipt of the draft PTASP revision, WMSC staff must respond with conditional approval or comments **within 20 days**. In the event WMSC staff do not approve a PTASP revision, WMSC staff will provide written comments on the draft. WMATA must then modify and resubmit its PTASP to the WMSC **within 20 days**. This cycle continues until a final, conditionally approved draft is achieved.

⁶ *Accountable Executive* is the “a single, identifiable individual who has ultimate responsibility for carrying out the Public Transportation Agency Safety Plan of a public transportation agency.” (49 C.F.R. § 674.7.) WMATA's Accountable Executive is the General Manager; for consistency, this Program Standard uses General Manager to reference this individual.

b. Board Review and Final Approval

Once a conditionally-approved draft revision of the PTASP is achieved at the staff level, the PTASP must first be approved by the WMATA Joint Labor and Management Safety Committee and only then may it be approved by the WMATA General Manager and WMATA Board of Directors before the WMSC Board considers the PTASP for final approval. The PTASP may only take effect upon the approval of both boards. In the event the WMSC Board does not approve the PTASP revision, the WMSC will communicate specific comments to Metrorail. Metrorail must then modify and resubmit its PTASP to the WMSC **within 20 days**. WMSC staff will provide conditional approval or comments **within 20 days**. When a conditionally approved draft is achieved, the PTASP must be approved by the WMATA Board of Directors before the WMSC Board may consider the PTASP for final approval.

B. WMATA Internal Safety Reviews

Over a three-year period, WMATA must conduct internal safety reviews that evaluate the implementation of all elements of the WMATA PTASP. This includes areas such as procurement and the Metro Transit Police Department (MTPD) that have responsibilities regarding the WMATA Rail System but excludes areas that relate exclusively to Metrobus. The WMSC assesses the internal safety review program through various oversight activities that include audits, inspections, investigations, and other oversight activities. Like any other aspect of Metrorail, the WMSC may participate in internal safety reviews to observe the program. The WMSC will notify WMATA when it intends to participate.

WMATA must develop and document internal safety review procedures. The purpose of these procedures is to assess PTASP implementation and compliance. At a minimum, the internal safety review program must:

1. Identify the WMATA Department with primary responsibilities for conducting internal safety reviews.
2. Be conducted by WMATA personnel (employees and contractors) trained not only in auditing but also in safety risk management, hazard management, and safety management systems.
3. Describe the process used to determine if all identified elements of WMATA’s PTASP are performing as intended.
4. Determine if hazards are being identified and mitigated in a timely manner.
5. Develop and implement internal corrective action plans (iCAPAs) to address identified deficiencies.
6. Ensure that all elements of the PTASP are reviewed in an ongoing manner and completed over a three-year cycle.

1. WMATA Deliverables to the WMSC for Internal Safety Reviews:

WMATA Deliverable	Deadlines for Deliverables
Updated three-year schedule setting forth when each PTASP element will be reviewed and specific scheduling details. At a minimum, this schedule must state the month or quarter when the review is anticipated to be conducted. As the schedule changes or further details become known, the WMSC must be informed of updates accordingly.	On or before February 1 of each year.
Notification to the WMSC before conducting scheduled internal safety reviews.	At least 30 days prior to the start of the internal safety review.
Review Plan, including any checklists and procedures that will be used during the review,	At least 10 days prior to the start of the internal safety review.

and identification of the personnel responsible for conducting the review.	
Provide a report (<i>see just below this table for minimum requirements</i>) under the General Manager’s signature.	Within 15 days of the report being final. iCAPAs may be submitted separately once they are signed.

The report for each internal safety review must include:

1. A summary of the internal safety review.
2. Completed internal safety review checklists.
3. Findings of the internal safety review with clear indication of whether each safety element complies with the PTASP or other relevant documentation.
4. Status of all internal corrective action plans (iCAPAs) for that internal safety review.

If, as the result of an internal safety review, WMATA determines that it is not in compliance with the PTASP, the WMATA General Manager must identify the activities WMATA must take to achieve compliance, including internal corrective actions addressing the findings in accordance with this WMSC Program Standard. This must include the expected completion date for each internal corrective action.

C. WMATA Annual Internal Safety Report and Certification of Compliance with the PTASP

1. Requirements

On or before February 1 of each year, WMATA must submit to the WMSC its annual internal safety report and certification of compliance with the PTASP. WMATA must submit this report to the WMSC in PDF without security features enabled and with all required approval signatures visible.

This annual report must include the following information:

- a. A summary of all WMATA internal safety reviews performed or completed during the prior calendar year (January–December).
- b. Findings of all internal safety reviews with clear indication of whether each safety element complies with the PTASP or other relevant documentation.
- c. An itemized list of internal corrective actions (iCAPAs), their actual or scheduled completion date, and the status for each iCAPA.
- d. A letter signed by the General Manager certifying that Metrorail is compliant with the PTASP. This certification letter must describe compliance with all PTASP elements and not just those elements that were subject to internal safety reviews in the previous year. For areas not in compliance, WMATA must state the action being taken to achieve compliance.

2. WMSC Approval

Within 15 days of receipt of WMATA’s annual internal safety report and certification of compliance with the PTASP, the WMSC must either approve in writing, or state that it is unable to approve the report. If the WMSC does not approve the report, WMATA has **12 days** to address any noted deficiencies or required changes and submit a revised report to the WMSC.

If the annual internal safety review report is approved by the WMSC, no further action is required of WMATA related to that annual report. However, the WMSC may require other information or analysis relating to the internal safety review process as part of regular oversight.

Any WMATA objections to required changes to the annual report must be stated along with suggested alternatives **within 10 days** from the date the WMSC issued the required changes. The WMSC and WMATA must review the objections and proposed alternatives and agree to an appropriate course forward **within 10 days** based on a schedule set by the WMSC.

D. Budget Oversight

WMATA is required to allocate its resources effectively to maintain a state of good repair, improve safety performance, mitigate hazards and safety risk, and to correct safety deficiencies. WMATA must also comply with all applicable federal requirements.

WMATA must keep the WMSC informed of the Metrorail budget and budgetary process including its capital needs inventory, capital improvement program, transit asset management plan, and annual capital, operating and reimbursable budgets each time the documents are updated. WMATA must also provide the WMSC with the proposed annual capital, operating, and reimbursable budgets as soon as the documents are available. WMATA must provide any versions of additional budget documents that the WMSC may request as such documents are being used for WMATA internal purposes as of the date of the WMSC's request.

The WMSC has the authority to direct spending on safety-critical items. (WMSC Compact § 31(c)(3).) The WMSC may issue recommendations to WMATA staff, to funding jurisdictions, or to WMATA's Jurisdictional Coordinating Committee. The WMSC may require budget reassessment or budget modifications. The WMSC may also direct WMATA's Office of Inspector General (OIG) to conduct budget-related audits or reviews.

SECTION 5: AUDITS

This section describes the WMSC’s audit activities, including methodology and criteria. While audits are generally planned, the WMSC may conduct audits outside of the audit schedule, such as in response to a safety event.

Triennial SSOA audits of Rail Public Transportation Agency Safety Plans. The SSO program standard must explain the process the SSOA will follow and the criteria the SSOA will apply in conducting a complete audit of the RTA’s compliance with its Public Transportation Agency Safety Plan at least once every three years, in accordance with 49 U.S.C. § 5329. Alternatively, the SSOA and RTA may agree that the SSOA will conduct its audit on an on-going basis over the three-year timeframe. The program standard must establish a procedure the SSOA and RTA will follow to manage findings and recommendations arising from the triennial audit.

49 C.F.R. § 674.27(a)(5).

A. WMSC Audit Schedule

In accordance with 49 C.F.R. § 674.31 and the WMSC Compact: Every three years the WMSC completes a full audit of Metrorail and determines whether Metrorail is compliant with its PTASP and other rules, policies, procedures, and requirements. Due to the size and complexity of Metrorail, this is an ongoing effort over a three-year timeframe with individual topic area audits corresponding to specific functional areas within Metrorail.

The WMSC provides WMATA with an audit schedule **at least 4 months** prior to the start of the audit cycle, and any revisions to that schedule are provided as necessary thereafter.

B. PTASP Elements

In assessing whether WMATA is compliant with its PTASP, the WMSC is guided by the following elements. Most elements are assessed via a WMSC audit; however, certain elements may be assessed through another oversight activity. The exact listing of elements may evolve as new versions of the PTASP go into effect. After approval of a new PTASP version, any necessary update to the below elements will be reflected in the next Program Standard revision to occur after that PTASP version takes effect.

1. General Requirements
 - a. Annual Review and Update of ASP
 - b. Emergency Preparedness and Response
 - c. Infectious Disease Mitigation
 - d. Safety Performance Targets
 - e. Development and Implementation of a Safety Management System (SMS)
2. Safety Management Policy
 - a. Safety Reporting Program
 - b. Communication of the Safety Management Policy
 - c. Organizational SMS Accountabilities and Responsibilities
3. Safety Risk Management
 - a. Safety Risk Management (SRM) Process
 - b. Ongoing Management of Safety Risk
 - c. Occupational Safety and Health Risk Management
 - d. Operational Safety Risk Management
 - e. Roadway Worker Protection

- f. Safety Certification
- 4. Safety Assurance
 - a. Performance Monitoring and Measurement
 - b. Documentation
 - c. Drug and Alcohol
 - d. Event Reporting and Investigations
 - e. Change Management
 - f. Corrective Action Plans
- 5. Safety Promotion
 - a. Competencies and Training
 - b. Safety Communication
 - c. Safety Committees
 - d. Hazardous Materials and Environmental Management
 - e. Safety Reporting Program Engagement

C. Coordination of WMSC Audits

1. Coordination with WMATA Internal Safety Reviews

WMATA implements an Internal Safety Review Program in accordance with Section 4 and 49 C.F.R. Part 674 requirements. While WMSC audits and WMATA internal safety reviews include many of the same functional areas, to the extent practicable, their timing should not coincide.

WMATA's internal safety reviews should occur between the WMSC's audits of a similar area. **At least 12 months** should elapse from the date of the WMSC audit exit conference before WMATA undertakes an internal safety review of that functional area audited by the WMSC. The purpose of such staggering is to maximize the safety benefits of each audit and internal safety review.

2. Coordination with Audits from Other Entities

The WMSC reviews and considers any past reports from other entities that are relevant and that may be available to the WMSC at the time the WMSC is auditing a given functional area.

D. WMSC Audit Practice

In conducting audits, the WMSC's method is informed by the FTA's Recommended Best Practices for States Conducting Three-Year Safety Reviews and Guidelines for Auditing Management Systems (International Standard 19011) to the extent practicable based on the unique nature of the WMSC's safety oversight role.

Informed by this method, the audit process is broadly as follows:

- The WMSC sends notification letter and initial requests to WMATA.
- WMATA provides initial documents to the WMSC.
- The WMSC coordinates with WMATA to schedule interviews and any on-site activities.
- Entrance Conference occurs.
- Interviews and any on-site activities occur.
- Exit Conference occurs.
- The WMSC sends the draft audit report to WMATA.
- WMATA is provided time to review the draft audit report.
- The WMSC considers any comments from WMATA on the technical accuracy of the draft audit report.

- The WMSC sends a final audit report to WMATA.
- If any findings or recommendations are identified, WMATA develops corrective action plans in accordance with Section 9.

E. WMSC Audit Process

This Section 5.E provides the structure for each individual topic area audit conducted by the WMSC. The WMSC reserves the discretion to deviate from stated deadlines as needed to balance its oversight obligations.

1. Audit Activities

To initiate an audit, the WMSC will e-mail a notification letter to WMATA. Separately, or along with the notification letter, the WMSC will also e-mail initial document requests and queries to WMATA. WMATA then has **30 days** from receipt of the initial requests and queries to provide documents or responses. Upon receipt of these documents or responses, the WMSC begins its initial review.

The WMSC will conduct the on-site portion after receipt of the initial documents and responses, which ordinarily follows approximately 30–60 days after receipt of the initial document requests. The on-site activities will be scheduled for a time suitable to both the WMSC and WMATA. The on-site activities may be held on WMATA premises/specific location, remotely, or in a mixed form depending on the audit needs and current environment.

Once the on-site portion is scheduled, the WMSC and WMATA will coordinate the appearance of interviewees selected by the WMSC. The WMSC may name specific personnel (employees or contractors) or ask WMATA to provide personnel based on given parameters. Additional interviews may be requested at any time, even after conclusion of the scheduled on-site activities.

Ordinarily, the on-site portion begins with an entrance conference attended by both WMSC and WMATA personnel (WMATA may select its attendees); however, to accommodate the audit schedule and to allow for coordination with WMATA, as information becomes available in real-time, the entrance conference may occur after the start of interviews or on-site activities. The entrance conference will outline the audit scope, audit schedule, WMSC audit team, and discuss any other relevant facets of the audit.

The WMSC will interview relevant WMATA personnel (employees or contractors), including frontline, managers, and executive level. The interviews may be scheduled prior to, during, or after the on-site activities. Document review is an ongoing task that continues throughout an audit. To maintain the integrity of the audit process, only the named interviewee and WMSC personnel may attend interviews, unless the WMSC allows otherwise.

Site visits or observations are another on-site activity. Additional site visits may be required even after conclusion of the initially scheduled on-site activities if WMSC staff determine those visits are needed.

WMSC staff will comply with all applicable procedures and rules while on the right-of-way, which includes personal protective equipment (PPE). Ordinarily, the WMSC will enter non-public areas with an authorized WMATA guide; however, the WMSC Compact authorizes the WMSC to enter WMATA premises and adjacent facilities without such guide at the WMSC's discretion. (See WMSC Compact § 31(b).) WMSC staff will identify themselves to WMATA staff upon request.

After concluding on-site activities, the WMSC will hold an exit conference, which occurs after the WMSC has developed preliminary findings/recommendations. This exit conference takes place approximately 30–60 days after on-site activities conclude. This serves to recap the audit scope and to convey any preliminary findings/recommendations that have been identified up to that point. Preliminary findings or

recommendations presented during the exit conference are, in fact, preliminary, and a list of findings or recommendations will be provided in writing as part of the audit report detailed in Section 5.E.5.

2. Findings

A finding may result from an audit, inspection, investigation, any other oversight activity conducted by the WMSC, or from a combination of such activities. The WMSC issues findings in any instance where:

- a. WMATA is not in compliance with external or internal requirements, plans, rules, policies, standards, or procedures.
- b. Personnel (employees or contractors) or assets are exhibiting an unsafe condition despite being compliant with external or internal requirements, plans, rules, policies, standards, or procedures.
- c. WMATA lacks a requirement, plan, rule, policy, standard, or procedure that is necessary.
- d. WMATA requirements, plans, rules, policies, standards, procedures, training, or actual implementation or actions, individually or collectively, are insufficient for safety.

The WMSC may also issue or adopt findings requiring corrective action based on oversight or investigative work conducted by other entities such as the National Transportation Safety Board (NTSB). (See Section 9.A.)

Urgent hazards identified during audits, inspections, investigations, or any other oversight activities that pose an imminent safety threat necessitate a finding or directive. The WMSC will immediately direct WMATA to correct the identified condition.

3. Recommendations

The WMSC may also issue safety recommendations for other opportunities for safety improvement not meeting the requirements of a finding.

4. Corrective Action

For each finding, WMATA must create a suitable corrective action plan in accordance with Section 9.C.

For each safety recommendation, WMATA must determine if corrective action is necessary in accordance with Section 9.C. In the event WMATA determines that a CAP is unnecessary, WMATA must submit the hazard analysis in accordance with WMATA's approved procedure in its PTASP as justification to accept the level of risk associated with the recommendation and any associated documentation. The WMSC will review WMATA's justification, and any other associated documentation submitted as part of that justification. As part of that review, the WMSC may request additional information including a meeting with relevant stakeholders as necessary to determine whether Metrorail conducted its hazard analysis based on available data in accordance with WMATA's approved procedures.

The WMSC may identify urgent hazards through audits, inspections, investigations, or any other oversight activities. In such instance, the WMSC may designate a hazard or trend as urgent and require that WMATA correct or mitigate on a specified timeline, which includes requiring WMATA to immediately correct the identified condition.

5. Audit Report

At the conclusion of each audit, the WMSC will provide a draft audit report to WMATA. This report articulates any findings or recommendations. WMATA must review the draft audit report and **within 30 days** of the WMSC's transmission of the draft report may provide to the WMSC:

- a. Any comments on the findings, recommendations, or technical accuracy of the draft report.
- b. A letter that is not more than two pages (single-spaced, 12-point font) from the WMATA General Manager that acknowledges the WMSC's findings and recommendations and that WMATA agrees to propose corrective action plans by the deadline.

As appropriate, the WMSC will incorporate revisions based on those comments received from WMATA. At the WMSC CEO's discretion, the letter from WMATA General Manager may be appended to the final WMSC audit report.

Upon receipt of final findings and recommendations, through a final audit report, a WMSC order/directive, or another WMSC document, WMATA must then develop suitable CAPs as provided in Section 9.C.

6. Cumulative Three-Year Audit Report

At the conclusion of each three-year cycle, the WMSC will produce a single audit volume of reports encompassing all of that cycle's individual audit reports. This may take the form of a document with links or references to the already-published individual audit reports that are publicly accessible at WMSC.gov.

F. Special Studies and Investigations

The WMSC may conduct a special study based on an identified safety-related issue, hazard, or trend that warrants additional attention or investigation.

The WMSC will follow the audit process of this Section 5 to the extent practicable to meet the objective of safety.

The WMSC may also initiate any other special investigations that the WMSC determines to be appropriate.

G. Directives to the WMATA Inspector General

In accordance with the WMSC Compact (§ 31(e)), the WMSC may compel WMATA's OIG to conduct safety-related audits or investigations and to provide its findings to the WMSC.

SECTION 6: INSPECTIONS

This section describes the WMSC's inspection activities.

A. Areas Subject to Inspection

The WMSC may conduct inspections of any and all WMATA Rail System locations, equipment, records, documents, or other area, regardless of storage format or security classification. The WMSC's inspections are risk-based and commensurate with the size and complexity of the sole rail transit agency the WMSC oversees (in accordance with 49 U.S.C. § 5329(k)), the WMATA Rail System. Any Metrorail property or personnel (employees or contractors) performing work related to the WMATA Rail System could be the subject of a WMSC inspection.

Inspections may include the following non-exhaustive examples:

- CAP verification.
- Data-driven or audit driven observations, records reviews, or verification.
- Monitoring systems in real-time or through a recording.
- Employees and contractors for compliance with WMATA rules and procedures.
- Operational testing programs for operations and maintenance personnel (employees or contractors).
- Communication regarding investigations, maintenance, and safety issues across WMATA departments and with WMATA executive leadership as well as the WMATA Board of Directors.
- The quality and effectiveness of WMATA plans, procedures, and training programs for managing emergencies, and ensuring the readiness of WMATA's frontline personnel (employees or contractors) and emergency responders.
- Investigation of any allegation of noncompliance with the PTASP.

B. Inspection Standards

In conducting inspections, the WMSC may assess Metrorail's compliance with federal rules; WMATA standards, rules, procedures; or other standards. In addition, the WMSC may also rely upon effective best practices as criteria for its inspections. The WMSC will reflect applicable standards in its inspection results.

C. Inspection Types

Inspections may be focused or broad. Some inspections will be announced, others will be unannounced, as determined by the WMSC. For example, an inspection could examine certain equipment or could examine aspects of an entire department.

WMSC staff will contact the relevant WMATA department or personnel as appropriate.

D. WMSC Inspection Process

The WMSC conducts inspections as a regular tool for safety oversight. Inspection activities may be held on WMATA premises, remotely, or in a mixed form depending on inspection needs and the current environment.

1. Inspection Activities

The WMSC may conduct inspections at any time and at whatever frequency necessary to further its safety oversight mandate. Inspections may occur during or after passenger service hours. Inspection observations may be taken from public areas (e.g. while riding in passenger service vehicles or spending time at Metrorail stations) or from other points, to include areas not ordinarily accessible to the public.

The WMSC may allow WMATA personnel to accompany an inspection, but this is determined on a case-by-case basis. Either way, no precedent is established dictating future practice.

WMSC staff will comply with all applicable procedures and rules while on the right-of-way, which includes PPE. Ordinarily, the WMSC will enter non-public areas with an authorized WMATA guide; however, the WMSC may elect to enter WMATA premises and adjacent facilities without such guide. (See WMSC Compact § 31.)

2. Inspection Results

At the conclusion of each inspection, a written summary is provided or an oral debrief occurs (ordinarily, this occurs within 2 days). This serves to articulate any concerns, defects, or non-compliance issues, which are conveyed to the relevant WMATA personnel responsible. If no issues are found, the summary or debrief will state that no issues were identified, and that—apart from acknowledging receipt—no other response is required from WMATA.

If a written summary is provided, it is conveyed via e-mail and may appear in the e-mail body or as an attachment. It is transmitted to the relevant WMATA personnel responsible as well as to the Department of Safety (SAFE).

3. Corrective Action

For any issues identified in a WMSC inspection summary, the process for corrective resolution follows this Section 6. WMATA must respond to the inspection summary **within 3 days** to acknowledge receipt and to convey to the WMSC what, if any, actions will be or have been taken in response. WMATA's response must be directed to the WMSC staff member who initially transmitted the summary.

For issues identified, in whole or in part, from a WMSC inspection or inspections, the WMSC reserves the right to address that as a finding or recommendation (defined in Sections 5.E.2–3), the WMSC will inform WMATA in writing and the process for corrective resolution follows Section 9.C.

The WMSC may identify urgent hazards through audits, inspections, investigations, or any other oversight activities. In such instance, the WMSC may designate a hazard as urgent and require that WMATA correct or mitigate on a specified timeline, which includes requiring WMATA to immediately correct the identified condition.

E. Future Developments

In accordance with the Infrastructure Investment and Jobs Act, H.R. 3684, 117 Cong. (1st Sess. 2021) (also known as the Bipartisan Infrastructure Law, codified as amended at 49 U.S.C. § 5329 (2021)), and FTA's Special Directive No. 22-50 (issued Oct. 21, 2022) requiring the WMSC to develop and implement a risk-based inspection program: The WMSC is preparing revisions to the Program Standard that will be submitted to FTA for review and approval **within 2 years** of the issuance of FTA's Special Directive.

After FTA approves the WMSC's risk-based inspection program, it will be incorporated into the Program Standard as provided in Section 2.A.

SECTION 7: SAFETY EVENT NOTIFICATION

This section describes the requirements for WMATA’s notification and reporting of Metrorail safety events, which include accidents, incidents, or occurrences as defined in the matrix found in Section 7.C. WMATA is required to comply with all federal and state reporting requirements for other regulatory agencies in addition to notifications to the WMSC. “Reportable” safety events are those defined at 49 C.F.R. Part 674 or this Program Standard.

Accident notification. The SSO program standard must establish requirements for an RTA to notify the SSOA of accidents on the RTA’s rail fixed guideway public transportation system. These requirements must address, specifically, the time limits for notification, methods of notification, and the nature of the information the RTA must submit to the SSOA.

49 C.F.R. § 674.27(a)(6).

A. Division of Responsibilities

1. The WMSC establishes safety event notification requirements, oversees WMATA’s compliance with those requirements, and determines whether the WMSC will lead the safety event investigation.
2. WMATA must follow the requirements of this Program Standard and must notify the WMSC of safety events as provided in this Section 7.
3. WMATA must fully document and report each safety event as described in Metrorail Investigations Procedures and this Program Standard, which includes providing the WMSC with all relevant information, data, or documents as requested.
4. The WMSC may require WMATA to provide additional information, data, or documents related to any safety event.

B. Notification

WMATA must report all safety events outlined in the Safety Event Notification Matrix (Section 7.C) in the timeframe and manner specified for each safety event type. The WMSC and WMATA meet on a regular basis to review a summary and status of safety events with outstanding or recently completed reports. The e-mails reporting the events serve as the record of all reported safety events.

1. Notification Requirements

- a. WMATA must identify both the department and individual responsible for safety event notification and reporting.
- b. WMATA must transmit the notification as soon as possible (but not later than the deadlines provided in the Safety Event Notification Matrix, Section 7.C) so the WMSC can promptly determine whether it will respond to the safety event scene.
- c. WMATA must provide the WMSC with additional details as they become available.
- d. For every safety event notification, the WMSC requires the following specific, minimum information:
 - i. .
 - ii. Date and time of the event.
 - iii. Event Code from the Safety Event Notification Matrix.
 - iv. Description of the Event.
 - v. Location of the event (and direction of travel, if applicable).
 - vi. Vehicle identifying information for all vehicles involved (if applicable).
 - vii. Number of fatalities (if applicable).

- viii. Number of injured persons requiring medical attention (if applicable).
- ix. Property damage (estimated, in dollars, as available and applicable).
- x. Description of investigation activities already conducted and immediate mitigations.
- xi. Determination of cause (as available).

2. Notification Classification

To ensure proper notification and classification of all safety events, the WMSC (ordinarily, the Investigations Program Manager or Investigations team member) is in regular communication with WMATA's Director of Investigations or designee. Meetings may occur at least monthly. During these meetings, safety event notifications are reconciled to ensure that the WMSC and WMATA have the same data—this includes crosschecking FTA's State Safety Oversight Reporting (SSOR) tool. Any discrepancies are addressed accordingly. If the WMSC encounters a safety event that was not reported, or was reported incorrectly, the WMSC contacts WMATA's Director of Safety Investigations or designee, Executive Vice President & Chief Safety Officer, Safety & Readiness, or General Manager.

3. Notifications to the Federal Transit Administration

In accordance with 49 C.F.R. § 674.33, WMATA must also report accident-type safety events to the FTA **within 2 hours**. Accidents are defined in the Safety Event Notification Matrix (Section 7.C). When notifying the FTA, WMATA must carbon copy ("cc") the WMSC on every accident notification e-mail or correspondence sent to the U.S. Department of Transportation's Transportation Operations Center.

C. Safety Event Notification Matrix

The following matrix establishes minimum notification, investigation, and reporting criteria and timeframes based on 49 C.F.R. Part 674, this Program Standard, FTA Two-Hour Accident Notification Guidance, and National Transit Database (NTD) Reporting requirements. The WMSC may, **at any time**, require a preliminary or final report for any event, not just for those codes that ordinarily require such a report as indicated in the matrix. For incidents and occurrences only, depending on the circumstances, the WMSC may in specific cases not require a preliminary or final report that would typically be required. For any such deviation from this matrix, the WMSC will contact WMATA's Director of Safety Investigations, Executive Vice President & Chief Safety Officer, Safety & Readiness, or their designee.

The matrix also specifies those events for which WMATA is required to obtain event scene release approval (the process for which is specified in Section 8.G) from either the WMSC or Metrorail's Department of Safety, via the Mission Assurance Coordinator (MAC), formerly referred to as the Incident Management Official (IMO).

CODE	EVENT TYPE	PHONE NOTIFICATION WITHIN 2 HOURS	E-MAIL NOTIFICATION WITHIN 2 HOURS	PRELIMINARY OR FINAL SAFETY EVENT REPORT	EVENT SCENE RELEASE AUTHORITY
<p>Accident—WMATA must notify the WMSC of accidents as provided in this matrix. WMATA must also notify the FTA via U.S. DOT’s Transportation Operations Center. Phone and e-mail notifications must be completed at the earliest practicable time after any one of the following accidents and no later than 2 hours after the accident occurred.</p>					
<p>A-1</p>	<p>Fatality A death occurring at the scene or within 30 days following the accident. <i>Additional guidance:</i> Includes all loss of life (fatality) that occurs on transit property or is related to transit operations or maintenance. This requirement excludes deaths resulting from existing illness or other natural causes and homicides not related to collisions with a rail transit vehicle.</p>	<p>Required</p>	<p>Required</p>	<p>Required</p>	<p>WMSC</p>
<p>A-2</p>	<p>Serious Injury that:</p> <ul style="list-style-type: none"> • Requires hospitalization for more than 48 hours, commencing within 7 days from the date the injury was received; • Results in a fracture of any bone (except simple fractures of fingers, toes, or nose); • Causes severe hemorrhages, nerve, muscle, or tendon damage; • Involves any internal organ; or • Involves second-or third-degree burns, or any burns affecting more than five percent of the body surface. <p><i>Additional guidance:</i> Includes all serious injuries that occur on a transit property or are related to transit operations or maintenance. This requirement excludes injuries resulting from illness or other natural causes and criminal assaults unrelated to collisions with a rail transit vehicle.</p>	<p>Required</p>	<p>Required</p>	<p>Required</p>	<p>WMATA SAFE (MAC)</p>

CODE	EVENT TYPE	PHONE NOTIFICATION WITHIN 2 HOURS	E-MAIL NOTIFICATION WITHIN 2 HOURS	PRELIMINARY OR FINAL SAFETY EVENT REPORT	EVENT SCENE RELEASE AUTHORITY
A-3	<p>Collision</p> <ul style="list-style-type: none"> All collisions between two or more rail transit vehicles; or All collisions resulting in substantial property damage, serious injury, or fatality. <p><i>Additional guidance:</i> Includes all collisions involving two or more rail transit vehicles and all collisions involving one or more rail transit vehicles at a grade crossing, with a person, or with an object that results in substantial property damage, serious injury, or fatality.</p> <p>Substantial damage is damage to transit or non-transit property, including vehicles, facilities, equipment, rolling stock, or infrastructure, that adversely affects the property’s structural strength, performance, or operating characteristics and requires towing, rescue, onsite maintenance, or immediate removal prior to safe operation.</p> <p>Substantial damage EXCLUDES damage such as cracked windows; dents in, bent portions of, or small punctured holes in the body; broken lights or mirrors; or removal from service for minor repair or maintenance, testing, or video and event recorder download.</p>	Required	Required	Required	WMSC
A-4	<p>Evacuation for Life Safety Reasons</p> <p>Evacuation of a rail transit vehicle or facility for real or perceived life safety reasons including self-evacuation.</p> <p><i>Additional guidance:</i> Includes evacuation due to fire, smoke or noxious fumes, fuel leaks, electrical hazards, bomb threats, suspicious items, or other hazards that constitute a real or potential danger to any person.</p>	Required	Required	Required	WMATA SAFE (MAC)

CODE	EVENT TYPE	PHONE NOTIFICATION WITHIN 2 HOURS	E-MAIL NOTIFICATION WITHIN 2 HOURS	PRELIMINARY OR FINAL SAFETY EVENT REPORT	EVENT SCENE RELEASE AUTHORITY
A-5	<p>Derailment Any non-collision event in which one or more wheels of a rail vehicle unintentionally leaves the rails.</p>	Required	Required	Required	WMSC
A-6	<p>Runaway Train A train (Class 1 vehicle) in motion that is not under the control of an operator regardless of whether the operator is physically on the vehicle at the time. <i>Additional guidance:</i> This includes train rollback of a Class 1 vehicle that meets the above definition.</p>	Required	Required	Required	WMSC
A-7	<p>Federal Railroad Administration (FRA) Notifications Anytime WMATA must notify the FRA of an accident as defined by 49 C.F.R. § 225.5, WMATA must also notify WMSC and FTA of the accident within the same time frame established by the FRA (49 C.F.R. § 225.9). <i>Additional guidance:</i> Includes any safety event for which WMATA notifies the National Response Center (NRC) or the NTSB.</p>	Required	Required	Event-Based Requirement	WMSC

CODE	EVENT TYPE	PHONE NOTIFICATION WITHIN 2 HOURS	E-MAIL NOTIFICATION WITHIN 2 HOURS	PRELIMINARY OR FINAL SAFETY EVENT REPORT	EVENT SCENE RELEASE AUTHORITY
<p>Incident—WMATA must notify the WMSC of incidents as provided in this matrix. E-mail notifications must be sent at the earliest practicable time after any of the following events and no later than 2 hours after the incident occurred.</p>					
I-2 (a)	Customer injury (minor) requiring immediate treatment by medical professionals away from the scene.	None	Required	Upon Request	WMATA SAFE (MAC)
I-2 (b)	Employee injury (minor) requiring immediate treatment by medical professionals away from the scene.	None	Required	Upon Request	WMATA SAFE (MAC)
I-2 (c)	Contractor injury (minor) requiring immediate treatment by medical professionals away from the scene.	None	Required	Upon Request	WMATA SAFE (MAC)
I-3	<p>A collision involving a rail vehicle on the mainline, yard or shop that does not result in a fatality, serious injury or substantial property damage (not involving another rail vehicle).</p> <p><i>Additional guidance:</i> This EXCLUDES any other elements that would classify it as an A-3.</p>	None	Required	Upon Request	WMATA SAFE (MAC)
I-5	A customer departure, evacuation or removal from a train at any location other than a station platform (into the right of-way or onto adjacent track, including customer self-evacuation, rescue train etc.), EXCEPT where covered by code A-4.	None	Required	Upon Request	WMATA SAFE (MAC)
I-6	Fire/smoke on or along roadway other than arcing insulator.	None	Required	Upon Request	WMATA SAFE (MAC)
I-7	Damage to third-rail equipment that disrupts transit operations.	None	Required	Upon Request	WMATA SAFE (MAC)

CODE	EVENT TYPE	PHONE NOTIFICATION WITHIN 2 HOURS	E-MAIL NOTIFICATION WITHIN 2 HOURS	PRELIMINARY OR FINAL SAFETY EVENT REPORT	EVENT SCENE RELEASE AUTHORITY
I-9	Hazardous material spill. <i>Additional guidance:</i> This includes any amount: 1. Of hazardous material that creates danger to life, health, or the environment and that requires special attention be devoted to its clean up; or 2. That would require reporting to an agency such as the U.S. Environmental Protection Agency.	None	Required	Preliminary and Final Required	WMSC
I-10	Arcing insulator.	None	Required	Upon Request	WMATA SAFE (MAC)
I-11	Fire/smoke in station. <i>Additional guidance:</i> This includes smoke blowing into a station from outside Metrorail property.	None	Required	Upon Request	WMATA SAFE (MAC)
I-12	Fire/smoke in, on, or from a rail vehicle.	None	Required	Upon Request	WMATA SAFE (MAC)
I-13	Fire/smoke in rail yard or facility other than a station.	None	Required	Upon Request	WMATA SAFE (MAC)

CODE	EVENT TYPE	PHONE NOTIFICATION WITHIN 2 HOURS	E-MAIL NOTIFICATION WITHIN 2 HOURS	PRELIMINARY OR FINAL SAFETY EVENT REPORT	EVENT SCENE RELEASE AUTHORITY
<p>Occurrence—WMATA must notify the WMSC of occurrences as provided in this matrix. E-mail notifications must be completed at the earliest practicable time after any of the following occurrences and no later than 2 hours after it occurred.</p>					
<p>O-7</p>	<p>Improper movement of any rail vehicle on the mainline or in a yard, including over improperly aligned switch(es). <i>Additional guidance:</i> This includes trains not following the intended route.</p>	<p>None</p>	<p>Required</p>	<p>Preliminary and Final required</p>	<p>WMATA SAFE (MAC)</p>
<p>O-8</p>	<p>Red signal overrun.</p>	<p>None</p>	<p>Required</p>	<p>Preliminary and Final required</p>	<p>WMSC</p>
<p>O-9</p>	<p>Improper movement of any rail vehicle into or within a work zone.</p>	<p>None</p>	<p>Required</p>	<p>Preliminary and Final required</p>	<p>WMATA SAFE (MAC)</p>
<p>O-10</p>	<p>Signal system failure, partial system failure, including loss of shunt.</p>	<p>None</p>	<p>Required</p>	<p>Upon Request</p>	<p>WMATA SAFE (MAC)</p>
<p>O-12 (a)</p>	<p>Station overrun.</p>	<p>None</p>	<p>Required</p>	<p>Upon Request</p>	<p>WMATA SAFE (MAC)</p>
<p>O-12 (b)</p>	<p>Operator removed from a Class 1 or Class 2 vehicle due to concern about fatigue or use or suspected use of drugs or alcohol.</p>	<p>None</p>	<p>Required</p>	<p>Upon Request</p>	<p>WMATA SAFE (MAC)</p>
<p>O-12 (c)</p>	<p>Operator removed from a Class 1 or Class 2 vehicle due to use or suspected use of an electronic device.</p>	<p>None</p>	<p>Required</p>	<p>Upon Request</p>	<p>WMATA SAFE (MAC)</p>
<p>O-12 (d)</p>	<p>Train exceeded regulated speed.</p>	<p>None</p>	<p>Required</p>	<p>Upon Request</p>	<p>WMATA SAFE (MAC)</p>
<p>O-12 (f)</p>	<p>Operation of a Class 1 vehicle with inter car barriers improperly attached or not attached.</p>	<p>None</p>	<p>Required</p>	<p>Upon Request</p>	<p>WMATA SAFE (MAC)</p>

CODE	EVENT TYPE	PHONE NOTIFICATION WITHIN 2 HOURS	E-MAIL NOTIFICATION WITHIN 2 HOURS	PRELIMINARY OR FINAL SAFETY EVENT REPORT	EVENT SCENE RELEASE AUTHORITY
O-12 (g)	Operation of a Class 1 vehicle after a failure to properly detach inter-car barriers.	None	Required	Upon Request	WMATA SAFE (MAC)
O-12 (h)	Unintentional uncoupling.	None	Required	Preliminary and Final required	WMSC
O-12 (i)	Any safety sensitive personnel (employees or contractors) removed due to concern about fatigue, or use or suspected use of drugs or alcohol, or use or suspected use of an electronic device (other than Class 1 and 2 operators).	None	Required	Upon Request	WMATA SAFE (MAC)
O-15 (a)	Improper door operation.	None	Required	Preliminary and Final required	WMATA SAFE (MAC)
O-15 (b)	Un-commanded train door event.	None	Required	Preliminary and Final required	WMSC
O-17	Speed restriction or track closure due to infrastructure damage or failure.	None	Required	Upon Request	WMATA SAFE (MAC)
O-20	Equipment fallen from or dragged by any rail vehicle.	None	Required	Upon Request	WMATA SAFE (MAC)
O-21	Person falls onto right-of-way.	None	Required	Upon Request	WMATA SAFE (MAC)

CODE	EVENT TYPE	PHONE NOTIFICATION WITHIN 2 HOURS	E-MAIL NOTIFICATION WITHIN 2 HOURS	PRELIMINARY OR FINAL SAFETY EVENT REPORT	EVENT SCENE RELEASE AUTHORITY
O-23	Improper roadway worker protection.	None	Required	Preliminary and Final required, unless WMATA identified through previously scheduled operational oversight or audit, in which case Preliminary and Final upon request.	WMATA SAFE (MAC)
O-24	Any occurrence about which Metro Transit Police Department notifies the Transportation Security Operations Center.	None	Required	Upon Request	WMATA SAFE (MAC)
O-25	Any operation or action not listed that is noteworthy or could lead to unsafe operation.	None	Required	Upon Request	WMATA SAFE (MAC)
O-27	<p>A Class 2 vehicle in motion that is not under the control of an operator, regardless of whether the operator is physically on the vehicle at the time, where there is no fatality, serious injury, or substantial damage.</p> <p><i>Additional guidance:</i> This includes train rollback of a Class 2 vehicle that meets the above definition.</p>	None	Required	Preliminary and Final required	WMSC

Safety Event Notification Matrix codes no longer in use:

A-6(b), I-1, I-4, I-8, O-1, O-2, O-3, O-4, O-5, O-6, O-11, O-12 (e), O-13, O-14, O-16, O-18, O-19, O-22, O-26

For data integrity, the WMSC does not plan to reuse these codes for other purposes in future updates.

SECTION 8: SAFETY EVENT INVESTIGATIONS

This section provides the procedure for all investigations.

Investigations. The SSO program standard must identify thresholds for accidents that require the RTA to conduct an investigation. Also, the program standard must address how the SSOA will oversee an RTA's internal investigation; the role of the SSOA in supporting any investigation conducted or findings and recommendations made by the NTSB or FTA; and procedures for protecting the confidentiality of the investigation reports.

49 C.F.R. § 674.27(a)(7).

A. WMSC Oversight of Investigations

The WMSC oversees all investigations required by this Program Standard, which includes those led by WMATA.

When a safety event occurs, WMATA is to conduct the investigation unless notified that the WMSC is conducting the investigation. When the WMSC participates in a WMATA-led investigation, the WMSC coordinates with appropriate WMATA personnel (employees or contractors). WMATA leads investigation report preparation as specified in the Safety Event Notification Matrix (Section 7.C) unless the WMSC has notified WMATA that the WMSC is conducting the investigation.

For each safety event, WMATA has an affirmative duty to preserve the scene and all evidence related to that event—both at the scene and in all other areas of the WMATA Rail System. For evidence at the scene, this means that no evidence may be removed from an event scene without the express permission of the WMSC or WMATA MAC as provided in Section 8.G with further instruction specified by Section 7.C.

Metrorail must ensure that it preserves all electronic records related to the event and that personnel (employees or contractors) involved in the event are available for and participate in interviews and, if applicable, post-event testing. Perishable information or evidence must be prioritized for recording, analysis, or preservation. As for interviews, this means that interviews conducted by SAFE or the WMSC are given priority over any other type of interview—without exception. The only permissible basis for not conducting an interview at the time of an event is one where the interviewee requires urgent medical attention.

B. WMATA-Conducted Investigations

For each investigation required under this Program Standard, WMATA must investigate in accordance with procedures stated here or otherwise approved by the WMSC. Each investigation requiring a final report must be documented in a final report as provided in Sections 8.B.3–4. WMATA is to conduct safety event investigations unless notified that the WMSC is conducting the investigation.

1. General Requirements

During an investigation WMATA must allow, and account for, full WMSC participation in all investigative activities. This includes, but is not limited to, sufficient notification of investigation stages to allow for WMSC participation at on-scene activities, interviews, witness-questioning, inspections, measurements, examinations, tests, data collection, or any other part of an investigation. All information must be made available to, and provided to, the WMSC.

WMATA must provide all raw and unprocessed data and information related to the investigation to the WMSC as such is obtained in the hours and days following the event as stated in Section 8.B.2. Data may

only be edited or altered for purposes of making it understandable and useable. This information may be uploaded to the WMATA-WMSC Collaboration SharePoint site, provided via e-mail, or conveyed in another manner that is approved by the WMSC due to special circumstances.

WMATA's investigation procedure must meet the WMSC's investigation standards as set forth in this Section 8, which comprises the minimum standards for all investigations. WMATA's investigation procedure must also be revised as necessary and submitted to the WMSC for approval **at least annually**, which is ordinarily accomplished as part of the PTASP Annual Review (Section 4.A.2).

2. Investigation Procedures

Investigations of a safety event or near-miss must include the following, as relevant, and any other elements listed in the most recent revision of the APTA Rail Transit Accident/Incident Notification and Investigation Requirements (RT-OP-S-002-02).

a. Photographs of the scene

Panoramic/wide-view:

- i. Include the involved vehicles or other items in full view, nearby infrastructure features, and any evident significant obstructions, objects, or conditions. If possible, scene photographs should be taken using a '4 point compass' method.
- ii. The entire scene should be photographed from multiple vantage points with sufficient depth-of-field to show relative positioning of objects and subjects to enable subsequent analysis.

Specific objects or subjects from both normal periphery and close-up view:

- i. Each vehicle involved (exterior four sides including number, interior compartment, operating control compartment).
- ii. Resting position of all wheels.
- iii. Location of railcar doors relative to platform.
- iv. All visible points of vehicle damage.
- v. Evidence of wheel marks on rails, ties, other infrastructure.
- vi. All visible points of infrastructure damage.
- vii. Any visible contributing obstructions, objects, or conditions.
- viii. Position of casualties if stationary (marked locations if removed for treatment).
- ix. Specific pieces of a vehicle that may have contributed to the event.
- x. Switches or other track features that may have contributed.
- xi. Any other obstructions to vehicle, switch, infrastructure, or human movement in the area.
- xii. Any other objects or subjects that may have contributed to the event or emergency response or that may have been relevant to the lead-up to the event.
- xiii. Anything else that appears out of the ordinary.

b. General information

- i. Location, including specifics such as chain marker, signal numbers, interlocking/station name, location relative to switches, exact location within a building or shop, etc.
- ii. Date and time of event.
- iii. How and when event was identified and communicated.
- iv. Time of notification of investigators.
- v. Time of arrival of investigators.
- vi. Lighting, visibility, and weather.

- vii. Status of incident command.

c. Eyewitness information

- i. Name, address, telephone number.
- ii. Witness category (employee, passenger, bystander, etc.).
- iii. Status of witness (observer or principal involved in event).
- iv. Brief description or account of what was observed.

d. Vehicle condition and data

- i. Car body condition (provide full detail on all visible damage and areas indicating contact/collision).
- ii. Positions of all operator controls (controller and brake handles, headlight, switches, air gauge readings, and other such controls).
- iii. Wheels/axles/trucks/sanders condition and relevant documentation of parts such as bolts.
- iv. Brake systems.
- v. Door positions or other entry/exit location conditions.
- vi. Headlights, marker lights, indicator lights status.
- vii. Evidence of sanding.
- viii. Determine line-of-sight distances.
- ix. Secure, download, analyze, and document all vehicle data and any other vehicle-related recordings.

e. Infrastructure and environmental conditions and data

- i. Damage (observable) or lack thereof to track, signals, bridges, structures, buildings, other infrastructure equipment or machinery.
- ii. Evidence (observable) of recent environmental alteration (washout, landslide, etc.).
- iii. Evidence (observable) of recent wrongdoer alteration (vandalism).
- iv. Point of derailment, collision, or other event location information.
- v. Sketch the scene, as appropriate, regarding: The relative location of tracks, vehicles, signals, equipment, apparatus, buildings, bridges, other structures; include noteworthy landmark features such as roadways, waterways, pathways, vegetation, etc.; alignment diagram should be relative to geographic north.
- vi. Measuring the scene: Clearly mark points of reference in the field (e.g. paint or chalk markings); document the correlation of points of reference with resting positions of objects or subjects; use feet as the standard unit of measure.

f. Injury and Casualty factors

- i. Document the status of all known victims, including:
 - 1) Injuries (total number, personal information).
 - 2) Fatalities (total number, personal information, and obtain autopsy report—if one is performed—to identify cause and time of death, toxicology, and any contributing factors).
 - 3) Identification of responder units that treated or transported casualties.
- ii. Identification of hospitals where victims were transported.
- iii. Potential injury dynamics/survival factors: Document vehicle, infrastructure, or operating conditions that could have contributed to the casualties or impacted their severity.

g. Data and audio/video recordings

- i. Collect and preserve all other applicable data that may contribute to an understanding of the safety event (e.g., AIM playback, radio and ambient audio recordings, video, etc.) and response.
- ii. Collect and preserve other relevant data (e.g. operational speeds and conditions, maintenance and inspection records, damage estimates, training records, etc.).
- iii. Maintenance history review.
- iv. Data comparison to standards.

h. Toxicological factors

- i. Must include drug and alcohol testing as required by federal regulation and WMATA policy of any individual (employee or contractor) who may have contributed to the event including, obtaining results, and determining significance of any possible positive test or impairment.

i. Testing of vehicle, infrastructure, and component performance and collection of related data

Inspections/tests of and downloads of any event recorders or records systems related to components or other systems which include:

- i. Operator controls.
- ii. Wheels/axles/trucks.
- iii. Braking systems friction, electric (dynamic), track.
- iv. Signal/speed control systems on a vehicle or wayside.
- v. Communication systems.
- vi. Lights.
- vii. Horn.
- viii. Switch movement and timing.
- ix. Power cables or assemblies.
- x. Fire alarm, smoke alarm or suppression systems.
- xi. Remote operations functions and timing (fans, switches, signals, etc.).
- xii. Local operations functions and timing (fans, switches, etc.).
- xiii. Track structure.
- xiv. Traction power system.
- xv. Signal systems.
- xvi. Routing systems.
- xvii. Buildings or other structures.
- xviii. Bridges.
- xix. Tunnels.
- xx. Other equipment or machinery.
- xxi. Collection of maintenance history information regarding each relevant item above.
- xxii. Identification of manufacturer or system normal values.
- xxiii. Data comparison.

j. Reconstruction

As considered relevant, reconstruct the event dynamics and sequence of events based upon all data developed from on-site investigation and off-site research. Establish facts that were contributory to the event. This may be based on:

- i. Actual vehicle performance.

- ii. Actual infrastructure performance.
- iii. Actual employee or contractor performance.
- iv. Mathematical calculations.
- v. Scale drawings/diagrams.
- vi. Photographic evidence.
- vii. Operational conditions and factors.

k. WMATA information

- i. Identify all applicable WMATA instructions, policies, or procedures for the type and location of the event and for any actions or inactions that may have contributed to the event.
- ii. Operating rules, procedures, and special instructions.
- iii. Maximum authorized speed and speed restrictions.
- iv. Operating signs and locations.
- v. Wayside signal locations and aspects capable of being displayed.
- vi. Bulletins or other special operating orders in effect at time of event.
- vii. Automatic signal systems in effect (train control, cab signals, interlockings, automatic block, etc.).
- viii. Any special operating conditions.
- ix. Any verbal or informal instructions in place at the time of the event.
- x. Capital project or maintenance procedures, policies, or instructions.
- xi. Interviews and reports.

l. Primary interviews (must be scheduled as soon as practicable after event, and may be recorded)

- i. Operators or crew members.
- ii. Other employees directly or indirectly involved in the sequence of events.
- iii. Non-employee event principals.
- iv. Passengers.
- v. Bystander witnesses.

m. Access relevant secondary interviews conducted by other independent sources

n. Obtain applicable supervisory reports of investigation

o. Reports from outside WMATA

- i. Obtain applicable reports of investigation prepared by outside agencies such as responding fire departments, police, or oversight groups for those agencies.

p. Documenting human factors

- i. Employee or contractor records.
- ii. Operating and safety practices compliance.
- iii. Qualification/certification levels and experience.
- iv. Training and continuing education history.
- v. Safety event history (i.e. Accidents/Incidents/Occurrences).
- vi. Toxicological and medical history.
- vii. Attendance/discipline history.

q. Fatigue factors, hours of service, and other activities

- i. Time employee or contractor reported for duty.

- ii. Elapsed time from on-duty time until time of event.
- iii. Break periods that occurred before the event.
- iv. Available off-duty hours before reporting for assignment.
- v. Number of consecutive days worked prior to day of event.
- vi. Nature of off-duty activity prior to event.

r. Fitness for duty

- i. Pre-existing medical conditions.
- ii. Results of WMATA toxicology tests.

s. For a person struck by a train

- i. Obtain police reports and available Closed-Circuit Television (CCTV) related to indications of suicide or foul play.
- ii. Obtain Medical Examiner toxicological reports.

t. Lab Testing

- i. When relevant, arrange for testing of materials, parts or other elements that could have contributed to the event.

u. Collect any other relevant information

v. Analysis

- i. Evaluate and determine the probable root cause of the event and any contributing factors based on all the evidence.
- ii. Include all rules, procedures, regulations, standards, or any other relevant requirement or guidance that applied to the event and determine whether such were followed.

3. Report Contents

All draft final investigation reports and final investigation reports produced must contain the following minimum information. Preliminary reports must contain as much of this information as is known by the time the preliminary report is due.

- a. Executive Summary.
- b. Investigative Activities.
- c. Event description and sequence.
- d. Notifications.
- e. Incident response and command.
- f. Precipitating or initiating event.
- g. Immediate corrective actions or mitigations.
- h. Status information for all personnel (employees or contractors) who may have contributed to the event.
 - i. Fatigue evaluation.
 - ii. Training and experience.
 - iii. Post-event testing.
- i. Investigation records.
 - i. Reports from operators, involved individuals, or responding individuals.
 - ii. Field supervision report.
 - iii. Employee or contractor record/work history.

- iv. Post-event safety inspection.
- v. Data analysis (e.g. video, vehicle data, other data).
- j. Cause.
 - i. Probable cause.
 - ii. Root factors causing or contributing to the event.
- k. Conclusions.
- l. Recommended Corrective Action Plans (RCA).

Additional information may be required in any report. The WMSC is authorized to obtain or observe any material created, compiled, or otherwise used or relied upon by WMATA.

Issues or concerns identified during an investigation that require corrective action are ordinarily addressed through WMATA's Recommended Corrective Actions (RCA) process (Section 9.B), which WMATA must log and track. RCAs require some action and documentation even if resolved in a manner different from the recommendation. At the WMSC's discretion, one or more issues may instead be addressed through the WMSC's CAP process (Section 9.C). Regardless of whether the issue requiring corrective action is addressed via a RCA or a CAP, the WMSC monitors and oversees both, as required by 49 C.F.R. Part 674.

4. Transmitting Notifications and Reports to the WMSC

The safety events that require an investigation report are set forth in Section 7.C. When a safety event occurs, the WMSC Investigations Program Manager (or Investigations team member) begins to track the status of that report for adherence to the below deadlines.

Safety event reports, including all attachments and appendices, must be provided to the WMSC according to the following timelines:

- a. **Initial Notification:** Basic information about the safety event must be transmitted to the WMSC by phone and e-mail as set forth in Section 7.C (Safety Event Notification Matrix).
- b. **Preliminary Report:** As soon as practicable after the event, but **within 14 days** of the event date, WMATA must submit a preliminary written report to the WMSC. This report must include a preliminary probable cause, immediate mitigations, potential corrective actions, an investigation summary, reports from field personnel (employees or contractors), interview summaries, images related to the event, data analysis, and other relevant information that is then available. The preliminary report serves to review known information and allows the WMSC to ask questions on missing information or inaccurate information and possible corrective actions while the involved personnel (employees or contractors) can readily recall the events. WMSC staff encourage WMATA staff to be open to feedback.
- c. **Investigation Status Update:** The WMSC may, at its discretion, require WMATA to provide updates on an investigation at any time. This is in addition to WMATA's ongoing duty to keep the WMSC apprised of all data and information as such becomes available.
- d. **Draft Final Investigation Report:** **Within 60 days** of the event, WMATA must submit a draft final report. Once this report is received, WMSC staff thoroughly review every part of this report for sufficiency and provide comments. This review is extensive and sometimes requires work sessions with WMATA. If such a work session is necessary, either the WMSC or WMATA may request such a session. If any issues are identified, the WMSC will communicate those issues **within 30 days**. WMATA must make changes accordingly and submit a revised draft final report

within 14 days from the date of the directed revisions. There may be several rounds of review for a draft final report. These time periods repeat until WMSC staff is satisfied with the draft final report and WMSC staff approval is transmitted to WMATA.

- e. **Final Investigation Report:** After WMATA receives WMSC staff approval for the draft final report, WMATA must provide the final report to the WMSC **as soon as practicable**. WMSC staff then append a cover sheet to the final report, which includes elements identified in the WMSC's independent review of the safety event's causation, and other information or observations. WMSC staff present this report with cover sheet to the WMSC Board for adoption. Board adoption means the investigation process was sufficient and thorough. If the WMSC Board does not adopt the report, WMSC staff will then provide specific comments or questions to Metrorail along with any required changes. When a revised final report is complete, WMSC staff present the revised report to the WMSC Board for adoption.

C. WMSC-Conducted Investigations

This Section 8.C is invoked when the WMSC informs WMATA of the WMSC's decision to lead an investigation or conduct an independent investigation.

WMATA must provide the WMSC with the resources and information necessary to conduct the investigation in an effective and efficient manner on a timeline set by the WMSC.

1. Investigation Activities

Upon arrival on scene, WMSC personnel will contact the incident command post (if established), Roadway Worker in Charge, relevant rail yard, shop, or facility management, or other emergency response personnel on site to ensure safe access to the event scene.

WMSC personnel may conduct field analyses, operational surveys, interviews, record checks, data analysis, and any other tasks necessary for an investigation. The WMSC assesses compliance with relevant WMATA policies, rules, and procedures; review personnel (employee or contractor) records and test results; as well as the inspection of equipment and vehicles.

The WMSC complies with the requirements stated in Section 8.B.2.

2. Report

At the conclusion of an investigation, the WMSC provides a draft report to WMATA. This report contains information on the investigation activities, factors that caused or contributed to the event, and any findings or recommendations. WMATA must review the draft report and provide any comments on the technical accuracy of the report, findings, or recommendations to the WMSC **within 15 days**. As appropriate, revisions based on those comments will be incorporated. The WMSC then issues a final report.

D. Corrective Action

Issues identified from an investigation are ordinarily corrected and tracked via WMATA's own internal corrective action process (Section 9.B). However, for any issue identified, in whole or in part, from an investigation, the WMSC reserves the right to address that as a finding or recommendation (defined in Sections 5.E.2-3), the WMSC will inform WMATA in writing and the corrective action process follows Section 9.C.

The WMSC may identify urgent hazards and safety concerns through audits, inspections, investigations, or any other oversight activities. In such instance, the WMSC may designate a hazard as urgent and require that

WMATA correct or mitigate on a specified timeline, which includes requiring WMATA to immediately correct the identified condition.

E. Investigation Conducted by Another Agency

Depending on the circumstances of a safety event, another agency such as the NTSB or the FTA, might investigate. In such an event, the WMSC will provide any necessary support.

The WMSC may participate in any discussions and reviews between WMATA and the other agency when the subject is Metrorail. The WMSC and WMATA will review the other agency's findings (or equivalent issue identification) and report. The WMSC may adopt the other agency's report and require associated or additional corrective actions. If the WMSC requires corrective action, WMATA must then follow the procedure of Section 9.C.

WMSC participation in an investigation led by another agency does not preclude the WMSC from conducting its own independent investigation if the WMSC determines such an additional investigation is required. If the WMSC opts to conduct such an additional investigation, it may occur simultaneous with, or at any time before, during, or after the other agency's investigation.

F. Information and Data

The WMSC requires WMATA to make the following information and data related to a safety event available in the original format (i.e. may only be altered for purposes of making the data understandable or useable) to the WMSC immediately and simultaneously with WMATA's receipt as these items are retrieved, gathered, or created (or as soon as practicable thereafter):

1. CCTV footage (including on-board vehicles):
 - a. Station or facility.
 - b. ROCC floor.
 - c. On-board forward camera.
 - d. On-board interior cameras (including of the operator).
 - e. On-board rear facing camera.
2. Audio recordings:
 - a. Radio recordings (between train operators, roadway worker-in-charge (RWIC), on-track personnel (employees or contractors), AMF, ROCC controller, Office of Rail Transportation (RTRA) supervisors, ROCC supervisors and management, maintenance, and inspection supervisors, etc.).
 - b. Telephone recordings.
 - c. Ambient recordings within the ROCC or other facilities.
3. Phone records for WMATA issued cellphones and private cell phones for personnel (employees or contractors) involved in the safety event.
4. First Responder interactions:
 - a. Request for fire and rescue support via 911.
 - b. First Responder sequence of events.
5. AIM data, including:
 - a. Presence of work zones.
 - b. Condition of traction power breakers.
 - c. Signal aspects and switch positions.
 - d. Request or use of Stop and Proceed.

6. Event recorder and Vehicle Monitoring System (VMS)/Vehicle Monitoring and Diagnostic System (VMDS) download of the event.
7. Track diagram showing interlockings and track circuits in the area of the event.
8. Train control room information.
9. Most recent inspection reports (track, vehicles, systems).
10. Most recent maintenance, overhaul, or repair records (track, vehicles, systems).
11. Most recent Engineering Modification Instructions (EMIs) and any other relevant instructions, procedures, or orders.
12. Post-incident drug and alcohol test results, including substances and substance level.
13. Sleep apnea program status for employees involved in the safety event.
14. Work/break/rest history for the preceding seven days for employees involved in the safety event.
15. Results of fatigue risk interview and analysis for personnel (employees or contractors) involved in the safety event.
16. Photographs:
 - a. Event scene.
 - b. Damaged vehicles, damaged assets, or damaged infrastructure.
 - c. Interior of damaged vehicles, assets, or infrastructure.
 - d. Close up photography of victim injuries.
 - e. Status of breakers in operator cab.
 - f. Operator cab details including console, seating, and floors.
17. Autopsy report (if an autopsy is performed).
18. Any other information or data required by this Section 8, requested by the WMSC, or determined by WMATA to be potentially relevant to the safety event.

G. Event Scene Release

For each safety event designated as requiring event scene release approval, the WMSC requires that WMATA seek, receive, and acknowledge approval from the Event Scene Release Authority as provided in Section 7.C (Safety Event Notification Matrix) prior to:

1. Removal of damaged vehicles, assets, and infrastructure from the event scene.
2. Disassembly of damaged vehicles for engineering assessments.
3. Performing repairs on damaged assets and infrastructure.
4. Restoration of service.

For safety events that the WMSC is the Event Scene Release Authority, WMATA personnel are to contact the WMSC COO, Investigations Program Manager, or other designee to obtain event scene release approval.

For each safety event that WMATA's Department of Safety & Readiness is the Event Scene Release Authority, WMATA personnel are to contact the Mission Assurance Coordinator (MAC) to obtain event scene release approval.

The only exception to the requirement of obtaining event scene release approval is for first responder rescue efforts or other urgent life-safety risks.

Prior to seeking event scene release approval, WMATA must first follow its policies and procedures to ensure that evidence—particularly perishable evidence—is or will be appropriately collected and documented as required by this Program Standard, Metrorail procedures, and any other requirements.

The WMSC may require that vehicles and equipment removed from the scene of an event be preserved and protected at a WMATA facility until such time as the WMSC is able to inspect and document such items. The WMSC will notify WMATA if such is required.

H. Protecting the Confidentiality of Investigation Reports

In accordance with 49 C.F.R. § 674.27(a)(7), the WMSC maintains the confidentiality of investigation reports until those reports are final. This applies to the actual report document. The WMSC may disclose appropriate information related to an investigation for which a report is not-yet-final.

SECTION 9: CORRECTIVE ACTION

This section provides the procedure for corrective action.

Corrective actions. The program standard must explain the process and criteria by which the SSOA may order an RTA to develop and carry out a Corrective Action Plan (CAP), and a procedure for the SSOA to review and approve a CAP. Also, the program standard must explain the SSOA's policy and practice for tracking and verifying an RTA's compliance with the CAP, and managing any conflicts between the SSOA and RTA relating either to the development or execution of the CAP or the findings of an investigation.

49 C.F.R. § 674.27(a)(8).

A. Sources

The underlying issue that a corrective action plan (CAP) seeks to address may originate from one or more of the non-exhaustive sources below. The resulting CAP may be internal-to-WMATA (e.g. RCAs and iCAPAs) as provided in Section 9.B or may result from WMSC action as provided in Section 9.C.

1. WMSC inspections, investigations, or audits.
2. Safety event investigations.
3. Hazard investigations.
4. WMATA internal safety reviews.
5. WMATA risk identification or mitigation programs, such as, but not limited to:
 - a. Safety committees.
 - b. Customer service complaints.
 - c. Board meetings.
6. WMATA's Office of the Inspector General (OIG) investigations and audits.
7. Investigation, audit, review, bulletin, or advisory from another agency or body, such as, but not limited to:
 - a. NTSB.
 - b. FTA.
 - c. United States Congress.
 - d. District of Columbia.
 - e. State of Maryland.
 - f. Commonwealth of Virginia.
8. Major capital project reviews.
9. Other event or review that requires WMATA to correct an identified safety hazard or deficiency.

B. WMATA Internal Corrective Action

Ordinarily, where corrective actions result from safety events, they follow WMATA's internal corrective action process and are called Recommended Corrective Action (RCA)—formerly known as Preventative Action Plans; where corrective actions result from internal safety reviews, they follow WMATA's internal corrective action process and are called Internal Corrective and Preventative Actions (iCAPAs).

WMATA must track RCAs and iCAPAs and implement these plans to ensure the durability of the corrective action.

1. Recommended Corrective Actions (RCA)

The conclusions from each WMATA-led safety event investigation that identify corrective actions to improve safety must be tracked and carried out through a RCA. RCAs must identify the specific action that has or will be taken to eliminate or mitigate future risk; if an alternative action is later identified to effectively mitigate or eliminate risk that must be documented. WMATA must document the development, tracking, and implementation of these RCAs and provide a comprehensive update on each RCA to the WMSC on **at least a quarterly basis**. Those updates must include, at a minimum:

- a. The precipitating event, inspection, or investigation.
- b. The conclusion.
- c. The specific actions taken or being taken in response.
- d. The timeline for implementation of each action and any changes to that timeline.
- e. The status on the implementation of each action.

2. Internal Corrective and Preventative Actions (iCAPA)

WMATA-conducted Internal Safety Reviews may identify necessary corrective actions. Ordinarily, corrective actions identified by internal safety reviews result in iCAPAs, which WMATA must track and implement. WMATA must provide a comprehensive update on the status of each iCAPA as provided in Section 4.

3. Correcting a Systematic Failure or Trend

In accordance with the safety management system, which includes aspects such as hazard identification, resolution, and management best practices, WMATA must analyze operational and maintenance data, as well as safety event history, to determine the existence of any trends or failures that are prevalent or pervasive at Metrorail. WMATA can, and must, take action to mitigate any safety issue wherever possible and must not wait for an event to occur, or the WMSC to act, before addressing such an issue.

Upon discovery of a systemic failure or trend, WMATA must provide that information to the WMSC **as soon as practicable**. WMATA may address the failure or trend as an RCA or iCAPA. Regardless of whether it is addressed as an RCA or iCAPA, WMATA must provide e-mail updates to correspondence[at]WMSC.gov **at least quarterly** until the failure or trend is resolved. Either the WMSC or WMATA may request to meet as necessary.

C. WMSC Corrective Action Plans

Each finding issued by the WMSC requires WMATA to develop a suitable CAP. The WMSC may also require WMATA to develop a CAP due to other types of findings or conclusions, including from the sources noted in Section 9.A. Recommendations may require a CAP as determined by WMATA in accordance with Section 5.E.4. Findings and recommendations are defined in Sections 5.E.2–3.

Proper CAPs are achievable, verifiable, assigned to a WMATA individual (not only a department or office), and include a realistic schedule. CAPs are neither conditional nor advisory from one WMATA department to another; rather they are statements of specific actions that must be taken.

Upon written approval from the WMSC, WMATA must begin CAP implementation. However, WMATA can and must take any interim steps required to mitigate a hazard or provide other safety improvements while CAPs are under development. Any such steps must be communicated to the WMSC.

1. WMATA-Designated Department

WMATA must designate a department responsible for WMSC CAP coordination on behalf of all WMATA Metrorail departments. WMATA has designated the department of Quality Assurance, Internal Compliance & Oversight (Quality) to fulfill this role. In addition to staff level correspondence, Quality has designated QICO_Metro_Regulatory_Compliance_Program[at]wmata.com for correspondence with the WMSC regarding CAP development and implementation.

If WMATA chooses to designate a different department for coordinating CAP development with the WMSC, WMATA must e-mail such choice to correspondence[at]WMSC.gov and provide the e-mail addresses to which CAP correspondence may be sent to.

2. CAP Requirements

Every proposed CAP requires active coordination across all relevant WMATA departments to ensure all parties are satisfied, to ensure successful future implementation, and to avoid the introduction of unintended hazards. Every CAP must include the following elements:

- a. Date the proposed CAP version was generated or a version number.
- b. A unique CAP number.
- c. An individualized CAP for every finding or recommendation.
- d. State the source document where the finding or recommendation originated.
- e. State the specific finding or recommendation number as listed in the source document.
- f. A hazard rating and narrative explanation of the basis for that rating.
- g. Estimated cost and funding strategy.
- h. Specific actionable items that will be carried out (note: this includes planned interim mitigations that are not yet implemented, with appropriate urgent timelines for implementation, for any CAP where such interim mitigations may be required for safety).
- i. Expected completion date for each actionable item.
- j. Responsible party and department.
- k. Responsible party signatures and date of signature (added after WMSC approval).
- l. Date of WMSC approval (added after WMSC approval).

In addition to the above elements, each CAP must include steps that will fully address the finding, recommendation, or issue and provide documentation of each step, including complete and proper implementation. Where a conflict exists between the finding, recommendation, or minimum corrective action language and the approved actionable items, then the finding, recommendation, or minimum corrective action language sets the requirement that must be fulfilled.

The below aspects are examples of what WMATA should include in CAP proposals as these are some of what the WMSC considers when determining whether to approve a CAP for implementation. The relevance of each of these aspects will vary by CAP.

- a. Most proposed CAPs must include actionable items (as relevant to the associated finding) that demonstrate: Appropriate documents were created, relevant personnel (employees or contractors) have received and understand those documents, appropriate training has been conducted, any necessary related work or procedures have been implemented and updated, and evidence that the identified rule or procedure is actually being followed. Frequently, this also requires evidence demonstrating an ongoing process to ensure the improvements are sustainable and reviewed regularly.

- b. For proposed CAPs related to non-compliance with established staffing, training or similar standards, the CAP must include (as relevant to the associated finding) the specific positions that are vacant or that must be created, the justification for current staffing requirements and whether additional positions are required, a specific hiring plan, evidence of the implementation of that plan to include filling all the positions, a complete list of employees who must complete required training, qualification or certification, a schedule showing when each employee or contractor will complete that required training, documentation that each relevant employee or contractor has completed the training, appropriate ongoing review of that training, and evidence that appropriate refresher training timelines and procedures are in place.
- c. Proposed CAPs involving updated training must include submission of the revised course schedules, curricula, syllabi, exams, and other relevant documentation.

3. CAP Development Timeline

The timelines stated in this Section 9.C.3 refer to WMATA's *development* of a CAP proposal. The actual schedule for implementing the plan will vary according to the issue being addressed by the CAP and can be found in the final WMSC-approved and WMATA-signed CAP.

Once the WMSC approves a CAP for implementation, WMATA must begin collecting signatures on and implementing that CAP. The signed version of that CAP must match the version approved by the WMSC with respect to the hazard rating, actionable items, actionable item descriptions, estimated start dates, and estimated end dates.

a. Ordinary Timeline

For all CAP proposals, WMATA and the WMSC must adhere to the following timeline unless the WMSC provides another timeline, or the CAP is addressing an urgent hazard that requires immediate corrective action as provided in Section 9.C.3.b.

- i. **Within 30 days** from the date the WMSC issues a finding or recommendation, WMATA must propose a suitable CAP. The WMSC will provide a response to that proposal **within 14 days**, approving the CAP proposal for implementation or providing feedback that notes the proposal's deficiencies.
- ii. After receiving the WMSC's response, WMATA has **14 days** to address the WMSC's feedback. The WMSC provides a response **within 14 days** of WMATA's revised submission. If further revisions are needed, this Section 9.C.3.a cycle continues until CAP approval.

b. Urgent Timeline

For urgent hazards that require immediate corrective action given the high probability that Metrorail personnel (employees or contractors), customers, the public, or the environment are in imminent danger, WMATA may undertake immediate corrective action and mitigation without WMSC approval. The WMSC may identify urgent hazards through audits, inspections, investigations, or any other oversight activities. In such instance, the WMSC may designate a hazard as urgent and require that WMATA correct or mitigate on a specified timeline, which includes requiring WMATA to immediately correct the identified condition.

Within 24 hours, WMATA must provide all information related to the urgent hazard and the corrective action or mitigation that is planned or underway. WMATA must work with the WMSC on formulating an acceptable CAP.

4. CAP Modifications

After CAP approval if WMATA determines another course of action is more appropriate than the existing, approved CAP, WMATA must submit a CAP modification request via e-mail to the WMSC CAP team.

The WMSC may also propose a CAP modification, in which case, the WMSC will e-mail the proposed modification to the WMATA-designated department (Section 9.C.1).

For any CAP modification, whether proposed by WMATA or the WMSC, the timeline provided in Section 9.C.4.d applies. Any CAP modification must be approved by the WMSC before taking effect.

The request for modification does not stay the approved CAP requirements unless WMATA requests a stay of the CAP requirements and the WMSC approves such a request. Without a WMSC-approved stay of the CAP requirements, WMATA must continue to progress the CAP even while a modification request is pending.

a. Meeting Requirement

For late modification requests, which are those requests submitted **5 days or more** after an actionable item's due date, a meeting with the WMSC is required as soon as practicable after the WMSC or WMATA discovers the actionable item is past due. However, the WMSC may determine that such a meeting is unnecessary. If the WMSC determines the meeting to be unnecessary, WMATA will be emailed. The written modification request must be submitted to the WMSC prior to this meeting. The meeting must include relevant WMATA responsible parties and the individuals who directly supervise those responsible parties.

b. Schedule Modification

For any CAP modification that affects the estimated start or estimated end date for an actionable item, the request must clearly indicate the following:

- i. Requested date change.
- ii. Specific reason underlying the request.
- iii. Specific interim mitigations (if practicable or warranted) that will be implemented.
- iv. Direct phone number and e-mail address for the stakeholders requesting the modification.

c. Substantive Modification

For any CAP modification that affects actionable item language, or any other aspect of the CAP, the request must clearly indicate the following:

- i. Steps taken to ensure meaningful input from all relevant internal stakeholders.
- ii. Specific factors and considerations that led to the request.
- iii. Explanation of how the underlying finding or recommendation will be fully addressed in the proposed CAP modification.
- iv. Explanation of how the proposed CAP modification provides the same or improved safety benefits compared to the existing, approved CAP.
- v. Any timeline changes that result from an actionable item, responsible party, or hazard rating change.
- vi. Direct phone number and e-mail address for the stakeholders requesting the modification.

d. Modification Timeline

After receipt of a CAP modification request, the WMSC must respond (approve, deny, request additional information, or provide feedback) on the modification request **within 21 days**. After receiving the WMSC's response, WMATA has **21 days** to address the WMSC's response. The WMSC provides a response **within 21 days** of WMATA's response. If further revisions are needed, this Section 9.C.4.d cycle continues until the modification is approved or denied.

This timeline applies unless the WMSC provides another timeline.

5. CAP Tracking and Verification

CAPs are tracked and verified by WMATA and the WMSC on an ongoing basis and require regular communication between WMATA and the WMSC. **As soon as practicable** after corrective action plans are fully signed by all relevant WMATA personnel, all relevant data from those CAPs (responsible party, schedule, etc.) must begin to be tracked by both WMATA and the WMSC.

CAPs are approved and implemented based on the schedule stated in the CAP. In the event a CAP becomes past due for submission, the WMSC and WMATA must establish a new schedule for that actionable item in accordance with Section 9.C.4.

The WMSC may verify CAP actionable items through documents or evidence provided by WMATA or through verifications in the field conducted by WMSC personnel. Evidence provided by WMATA must clearly demonstrate that the relevant aspect of the CAP has been achieved. On-site review or demonstration, through a WMSC inspection activity, may occur as another method of verification as determined by WMATA or the WMSC on an as-needed basis. If the WMSC identifies an issue with a WMATA submittal, the WMSC will contact WMATA **as soon as practicable** to achieve resolution.

a. CAP Databases

The WMSC tracks and monitors WMATA actionable items for all approved CAPs through an electronic tracking database. WMATA must also track and monitor actionable items for all approved CAPs through an electronic database. A range of information related to each CAP must be tracked, including:

- i. The underlying finding/recommendation.
- ii. Actionable items.
- iii. Responsible parties.
- iv. Estimated actionable item start/end dates.
- v. Estimated overall CAP completion date.
- vi. Closure date (as applicable).

b. Regular WMATA-WMSC CAP Meetings

As part of regular CAP management, the WMSC and WMATA meet **at least quarterly** to ensure a shared understand of CAPs. Prior to the meeting, WMATA or the WMSC may e-mail a list of agenda items to include the following:

- i. CAPs recently submitted for closure.
- ii. WMSC Action Items from previous meetings.
- iii. WMATA Action Items from previous meetings.
- iv. CAP updates.
- v. Overdue CAPs.

To ensure that the WMSC and WMATA have a shared understanding, WMATA must e-mail a list of CAPs recently submitted for closure and overdue CAPs prior to the meeting. The WMSC compares this list against its own records.

c. Special WMATA-WMSC CAP Meetings

WMATA or the WMSC may request a meeting on any CAP-related issue at any time. Such meetings may include, but are not limited to, the need to address unwanted trends with CAPs such as possible patterns of actionable items past due or an issue with a specific CAP. These meetings may require relevant responsible parties up to and including the top-level WMATA individuals responsible for a given CAP.

6. CAP Closure

When WMATA determines implementation of a given CAP is complete, WMATA must request the WMSC review and consider the CAP for closure.

The WMSC must respond to WMATA's CAP closure request **within 60 days** from the date WMATA submitted the closure request. The WMSC's response may state that the CAP is closed, that additional time or information is needed to verify whether closure is proper, or that the CAP is not closed based on the WMSC's independent verification of what has been submitted by WMATA. The WMSC may request additional information, documentation, or evidence to assess whether CAP closure is proper.

If the WMSC determines that additional information or time is needed to verify whether closure is proper, the WMSC is given an additional **30 days** from the date of the WMSC's response to the CAP closure request to further verify, unless the WMSC provides another timeline.

If the WMSC declines to close a CAP, the WMSC will provide the reason along with the additional steps WMATA must take to complete the CAP, which may require additional documentation or evidence that supports closure of the CAP in accordance with a timeline set by the WMSC based on the circumstances of the CAP.

The CAP remains open until the WMSC informs WMATA in writing that the CAP is closed. While closure concludes the CAP process, the WMSC may conduct additional safety oversight activities to ensure that corrective actions remain in place and effective even after this CAP process concludes.

SECTION 10: SAFETY CERTIFICATION

This section describes WMSC activities related to oversight of WMATA's Safety Certification Program.

A. WMATA Safety Certification Program

Safety certification is a formal process required by the WMSC as stated in this Section 10, which constitutes minimum requirements for WMATA's Safety Certification Program. Safety certification is also required by FTA for certain projects and by WMATA for additional projects. WMATA is responsible for carrying out its Safety Certification Program including for ensuring the completion and documentation of the required safety certification process for each applicable project. WMATA must notify the WMSC of any project that requires safety certification under this Program Standard or Metrorail's Safety and Security Certification Program Plan (SSCPP), which includes any project that is being designed, constructed, or otherwise added to the WMATA Rail System by an entity other than WMATA.

WMATA's PTASP must include a sufficient Safety Certification Program that ensures hazards are adequately addressed in projects prior to activation (or re-activation) and the initiation (or re-initiation) of passenger operations—or any other use not related to testing.

WMATA's Safety Certification Program is outlined in its SSCPP. This program must, at a minimum, provide for the safety certification of:

- Projects funded by a FTA New Starts Full Funding Grant Agreement or any replacement grant program.
- Projects that meet or exceed the FTA's monetary threshold for mandatory safety certification.
- All projects to extend, rehabilitate, or modify an existing Metrorail system.
- Replacement of vehicles or equipment.
- Restoration of a system, subsystem, other feature, or asset to service that is inoperable or otherwise unusually switched off for a period of 14 days or longer.
- Any other project identified by the WMSC.

If the WMSC determines that WMATA's Safety Certification Program is insufficient, the WMSC may direct WMATA to make certain changes or may require that the issue be addressed via the corrective action process provided in Section 9.

1. WMSC Review of the Safety and Security Certification Program Plan

Any changes or revisions made to the SSCPP must be submitted to the WMSC for review and approval prior to implementation. For each final draft of an SSCPP revision, WMATA must submit the draft to the WMSC. The WMSC has **30 days** from receipt of the draft to approve that draft or respond with any comments or feedback. If the WMSC responds with comments or feedback, WMATA has **30 days** to incorporate the WMSC's comments or feedback. Thereafter, WMATA must submit a revised draft to the WMSC and if the WMSC requires further changes, the cycle of **30 days** for each the WMSC and WMATA continues until WMSC approval is obtained.

The version approved by the WMSC becomes effective on the date set by Metrorail. That version remains in effect until this Section 10.A.1 review process is initiated and completed, or the WMSC directs changes in accordance with this Program Standard.

B. WMSC Oversight of WMATA Safety Certification

It is WMATA's responsibility to carry out its Safety Certification Program and to properly identify and mitigate hazards. WMATA's SSCPP must set forth a sufficient Safety Certification Program, which WMATA must adhere to. To oversee this program, the WMSC conducts ongoing oversight activities as early as the project planning phase. The WMSC may participate in any meeting related to any project. Certain projects are selected by the WMSC for in-depth review as detailed in Section 10.B.2.

1. WMATA Quarterly Project Updates to the WMSC

To aid the WMSC's oversight work, **at least quarterly**, WMATA must e-mail the WMSC the current list of all projects that are in planning, development, or review for safety certification at that time. This must also include projects that are currently in the safety certification process and what (if any) projects are not undergoing safety certification and the basis for that decision. The status of each project must also be provided, which may be satisfied through the latest slides and minutes from the Safety and Security Certification Review Committee (SCRC).

Either the WMSC or WMATA may schedule a meeting as necessary to discuss safety certification activities.

a. Required Submissions and Updates

For selected projects, WMATA must provide regular updates (satisfied by meeting minutes, slides, or other information from the Safety and Security Certification Review Committee—SCRC or the Safety Certification Working Group—SCWG) and requested documents as part of the following development phases:

- Project Planning
- Preliminary Engineering
- Final Design
- Procurement
- Construction
- Operations and Maintenance Procedures and Plans
- Training
- Testing
- Pre-passenger service/Start-Up
- Activation

The WMSC may participate in any committee or workgroup meetings pertaining to a Metrorail project, including the SCRC, the SCWG, the Executive Safety Committee (ESC), and any other meetings related to safety certification or projects that are, or will be, part of a safety certification process. Should other committees or subcommittees be formed, WMSC personnel may also attend such meetings or review associated documentation such as (but not limited to) agendas and meeting minutes.

WMATA (or other entities and project owners when appropriate) is responsible for ensuring that appropriate WMSC personnel have prompt notification of all meetings, drills, exercises, or tests. In addition to schedule notification, WMATA must provide access to meeting information, and access to all associated materials, which includes any relevant meetings or discussions scheduled or hosted by contractors.

2. Projects Selected for In-Depth WMSC Review

The WMSC's in-depth review will be tailored by the WMSC to the scale of the project and serves to verify that WMATA's safety certification process has been followed and that the project is safe for operation.

At least annually, the WMSC will e-mail the WMATA Executive Vice President & Chief Safety Officer, Safety & Readiness (or designee) a list of projects for which the WMSC will be conducting an in-depth review. The number and type of projects selected for in-depth WMSC review will vary based on the projects in progress at that time.

a. Project Participation and In-Depth Verification

The WMSC will review documents, conduct interviews, perform site visits, or conduct any combination thereof as necessary based on the type and scale of a project.

The WMSC reviews documents that the WMSC requested for a project on an ongoing basis throughout the project. The WMSC may also conduct interviews of relevant WMATA personnel (employees or contractors), including frontline personnel and managers.

The WMSC may observe or inspect any aspect of the WMATA Rail System, which includes current and future real and personal property owned, leased, operated by, or otherwise used by WMATA rail services. Examples could be the observation of training for operations and maintenance staff; observations of pre-passenger operations; station, vehicle, and facility inspections; and interviews with project staff.

The WMSC may observe any test, drill, emergency drill, or exercise. The WMSC must be notified of each test, drill, or exercise, and (where appropriate) the WMSC coordinates attendance with relevant WMATA personnel.

b. Issue Identification and Notification

If the WMSC identifies any area of concern or issue requiring additional action (whether to WMATA or a project owner if different than WMATA), the WMSC will issue a finding, directive, or other written documentation. The identified issue will be conveyed to WMATA **as soon as practicable** via e-mail to relevant personnel involved in the specific project. SAFE will be carbon copied on the e-mail.

Ordinarily, issues identified by the WMSC are tracked and resolved through the project's open items list. In the event the WMSC issues findings or recommendations, Section 9.C must be followed.

c. Concurrence

For projects selected by the WMSC for in-depth review, WMATA may not activate the project asset or area for passenger service or use the project asset or area for any purpose other than testing until the WMSC concurs that Metrorail has conducted its safety certification process, including hazard identification and any mitigations or corrective actions. WMATA is informed by a letter of concurrence, which may be transmitted via e-mail.

C. WMATA Document Updates

WMATA is required to amend or update its PTASP and any other plan, program, or document affected by a project.

For the PTASP, this update must occur **no later than the next annual review cycle**.

D. FTA Coordination

Metrorail projects may involve oversight by the FTA's Region III office through the Project Management Oversight (PMO) function or another FTA representative. Should a Metrorail project involve such oversight, the WMSC coordinates with the FTA and any other oversight agencies to the extent practicable to provide consistent, effective, and efficient guidance to WMATA.

SECTION 11: DISPUTE RESOLUTION AND ENFORCEMENT

This section provides the procedure for dispute resolution and enforcement.

A. Dispute Resolution

The WMSC requires WMATA's full cooperation and participation in all oversight activities. This includes, but is not limited to, compliance with all deadlines/timelines and all requirements of this Program Standard.

The WMSC and WMATA should resolve any disputes at the staff level. For example, if frontline staff cannot resolve an issue, the WMSC may contact a WMATA supervisor, department head, the Executive Vice President & Chief Safety Officer, Safety & Readiness, the General Manager, or any other WMATA individual or group of individuals—to include the WMATA Board of Directors. Likewise, WMATA should contact the relevant WMSC Program Manager or the COO.

In any communication with WMATA, the WMSC may set a clear deadline (e.g. September 14, 2020 by 5:00 p.m.). WMATA must adhere to any deadline set by the WMSC. WMATA may request an extension of a deadline in writing. Should WMATA be confused by a WMSC deadline or request, clarification must be sought of the WMSC immediately.

B. Notice

In the event WMATA fails to comply with any provision of this Program Standard, the WMSC may issue a notice of non-compliance, provide notice that the WMSC is invoking a power provided in Section 11.C, or both. The WMSC will identify the noncompliance issue and state any action required of WMATA in an e-mail to the WMATA Executive Vice President & Chief Safety Officer, Safety & Readiness, or the General Manager. WMATA must then respond by the deadline set by the WMSC. If WMATA fails to address the issue, the WMSC may take further action described in this Section 11.

C. Enforcement

1. Powers Available to the WMSC

In the event of WMATA's noncompliance, the WMSC may take any of the following measures at any time. Each of the following measures may be taken alone, in combination, or in addition to other measures. Any action taken by the WMSC is determined on a case-by-case basis. Prior exercise of any of these powers does not establish precedent for future use.

- a. Compel or otherwise enforce the approval and implementation of a revised PTASP, corrective action, or federal and state laws and regulations relating to safety of the WMATA Rail System.
- b. Compel or otherwise enforce the WMSC's authority to conduct inspections, investigations, examinations, and testing of WMATA personnel (employees and contractors), property, equipment, facilities, rolling stock, and operations of the WMATA Rail System, including, without limitation, electronic information and databases.
- c. Compel or otherwise enforce the WMSC's authority to enter upon the WMATA Rail System.
- d. Issue citations or fines as provided in Section 11.C.2.a.
- e. Direct WMATA to suspend or disqualify from performing in any Safety Sensitive Position an individual (employee or contractor) who is alleged to or has violated safety rules, regulations, policies, or laws as provided in Section 11.C.2.d.
- f. Compel WMATA's OIG, created under WMATA Board Resolution 2006-18, or any successor WMATA office or organization having similar duties, to conduct safety-related audits or investigations.

- g. Issue subpoenas.
- h. Direct WMATA to prioritize spending on safety critical items.
- i. Legal action.
- j. Remove a specific vehicle, infrastructure element, or hazard from the WMATA Rail System.
- k. Compel WMATA to restrict, suspend, or prohibit rail service on all or part of the WMATA Rail System.
- l. Direct WMATA to address identified safety issues.
- m. Any other action the WMSC deems appropriate.

2. Definition of Certain Powers

a. Citation or Fine

For each instance of noncompliance with this Program Standard, safety violation, or instance that WMATA fails or neglects to comply with any part or provision of any order, decision, decree, rule, directive, demand, or requirement of the WMSC, WMATA may be subject to a monetary penalty (“with funds going into an escrow account for spending by WMATA on Commission-directed safety measures”, WMSC Compact § 31(c)(2)) or any other enforcement action determined by the WMSC as appropriate to the unique situation (e.g. a suitable sum toward a specific safety improvement). Each violation is separate and distinct. In the case of a continuing violation, each day of the violation is considered separate and distinct subject to its own penalty.

b. Restriction, Suspension, or Prohibition of Rail Service

The WMSC may restrict, suspend, or prohibit rail service on all or part of the WMATA Rail System, if as determined by the WMSC, WMATA is unable or unwilling to take appropriate action to address imminent or urgent risk to public safety.

Upon receipt of an order restricting, suspending, or prohibiting rail service, WMATA must immediately curtail service, or end service as directed by the order. WMATA must address all issues identified in the order and inform the WMSC of the actions taken to remediate the problem.

Upon resolution of the issue, WMATA must inform the WMSC in writing. The WMSC generally recommends WMATA provide documentation along with that transmission such as photographs, communications and any other relevant evidence of how the course of action was determined, what action was taken, and when and how the actions were begun and completed. Upon verification of WMATA’s adequate resolution or mitigation of the issue, the WMSC provides written approval authorizing WMATA to resume service. If the WMSC finds that the issue has not been resolved or adequately mitigated, the WMSC provides written notice to WMATA stating the matter remains unresolved, that the order restricting, suspending, or prohibiting rail service remains in effect, and that further remediation is required.

c. Removal of Vehicle, Infrastructure, or Hazard

Where an imminent or urgent risk to public safety is limited to a vehicle, an infrastructure element, or a specific hazard, the removal of that vehicle, vehicle category or class, infrastructure element, or specific hazard may be necessary if, as determined by the WMSC, WMATA is unable or unwilling to take appropriate action to address the imminent or urgent risk to public safety.

Upon receipt of an order directing such removal, WMATA must immediately remove the identified vehicle, infrastructure element, or specific hazard as directed by the order. WMATA must conduct a hazard analysis based on the identified issue and provide that analysis to the WMSC. WMATA must

address the reason for the order and inform the WMSC of the actions taken to resolve or mitigate the problem.

Upon completion of the hazard analysis and upon resolution of the issue, WMATA must inform the WMSC in writing. Upon verification of WMATA's remediation, the WMSC provides written approval authorizing WMATA to reinstate the removed element. If the WMSC finds that the issue has not been resolved or adequately mitigated, the WMSC provides written notice to WMATA stating that the matter remains unresolved, that the order of removal remains in effect, and that further remediation is required.

d. Suspension or Disqualification of an Individual from Performing in a Safety Sensitive Position

The WMSC has the authority to direct WMATA to remove an individual from performing in a Safety Sensitive Position. In accordance with the WMSC Compact (§ 1(h)), a Safety Sensitive Position means "any position held by a WMATA employee or contractor designated in the Public Transportation Agency Safety Plan for the WMATA Rail System and approved by the [WMSC] as directly or indirectly affecting the safety of the passengers or employees of the WMATA Rail System[.]". The positions designated in the PTASP include the management positions explicitly noted in WMATA's organizational chart as well as roles that are carried out by lower-level managers and frontline personnel (employees or contractors) in each of those departments.

WMSC Compact Section 31(d) authorizes the WMSC to direct WMATA to suspend (temporary) or disqualify (permanent) an individual from performing in any Safety Sensitive Position when the person has been alleged to have or has violated safety rules, regulations, policies, or laws.

The suspension or disqualification of an individual from performing in a Safety Sensitive Position is not a form of discipline. The circumstances and severity will be considered in directing WMATA to suspend or disqualify an individual from performing in any Safety Sensitive function on the WMATA Rail System.

If WMATA proposes to return a suspended or disqualified individual to a Safety Sensitive Position, WMATA must request written approval from the WMSC to do so. WMATA must provide the WMSC with a detailed explanation of why WMATA believes the individual is suitable to return to a Safety Sensitive Position and demonstrate that all safety concerns relevant to the individual's suspension or disqualification have been mitigated or resolved. WMATA may not return a suspended or disqualified individual to a Safety Sensitive Position until receipt of the WMSC's written approval to do so.

3. Exercising Powers

a. Citation or Fine; Removal of Vehicle, Infrastructure, or Hazard; Suspension or Disqualification of an Individual from Performing in a Safety Sensitive Position

To invoke the following powers of citation or fine; removal of vehicle, infrastructure, or hazard; and directing WMATA to suspend an individual from performing in a Safety Sensitive Position, the power may be exercised by the WMSC CEO or the WMSC Board through an order or directive that is e-mailed to WMATA. If exercised by the WMSC CEO, notification to the WMSC Board should occur as soon as practicable thereafter.

The power to direct WMATA to permanently disqualify an individual from performing in a Safety Sensitive Position may only be exercised by the WMSC Board through an order or directive that is e-mailed to WMATA.

To restore to service a vehicle, infrastructure, or hazard; or lift an order or directive to WMATA to suspend or disqualify an individual from performing in a Safety Sensitive Position, WMATA must receive written approval from the WMSC. While the restoration of a disqualified individual to a Safety Sensitive Position may only be exercised by the WMSC Board, that approval of restoration must be communicated by e-mail to WMATA, which may in fact be transmitted by the WMSC CEO.

b. Restriction, Suspension, or Prohibition of Rail Service

To invoke the following powers of restriction, suspension, or prohibition of rail service, the power must be exercised through the unanimous vote of all WMSC Board members present and voting through an order or directive that is e-mailed to WMATA.

To restore rail service, WMATA must receive written approval from the WMSC. This approval must come from the WMSC CEO or the WMSC Board as specified in the WMSC's order or directive.

c. All other Powers

Any other power of the WMSC may be invoked by the WMSC CEO through an order or directive that is e-mailed to WMATA. E-mail notification to the WMSC Board is at the WMSC CEO's discretion.

D. Reconsideration of WMSC Orders or Directives

Section 46 of the Compact provides that WMATA has “the right to petition the Commission for reconsideration of an order based on rules and procedures developed by the Commission [(WMSC)].” The procedures set forth in this Section 11.D apply to WMATA petitions for reconsideration of an order or directive issued by the WMSC in accordance with the WMSC's state safety oversight activities. This Section 11.D supersedes the WMSC order effective May 18, 2021.

The version of the Program Standard in effect on the date the WMSC issued the order or directive at issue in the petition is the Program Standard that controls disposition.

1. Pre-Petition

Prior to petitioning the WMSC CEO for reconsideration of a WMSC order or directive, WMATA should first attempt to resolve the issue, including but not limited to: Requesting additional time, presenting alternative options, talking with the relevant WMSC individual (including the WMSC COO), or another meaningful method that would seek to resolve the issue in a productive manner.

2. Petition for Reconsideration to the WMSC CEO

The WMSC CEO will receive, review, and dispose of petitions from the WMATA General Manager for reconsideration of WMSC orders or directives as follows:

a. Petition

WMATA may petition the WMSC CEO for reconsideration of a WMSC order or directive. Such a petition must be sent to correspondence[at]WMSC.gov and to the WMSC CEO. The petition must be submitted in writing to the WMSC and signed by the WMATA General Manager **within 14 days** of the issuance of the WMSC order or directive. The petition must state specific facts that demonstrate WMATA attempted to resolve the issue prior to petitioning the WMSC CEO.

Proper grounds for a petition include, but are not limited to, a change in circumstances since the order or directive was issued, new evidence that was not known to WMATA at the time the WMSC issued the order or directive. A change in circumstances or new evidence must be supported by a precise

statement of the issue for which reconsideration has been requested, including the grounds for reconsideration and a narrative statement with relevant technical information.

b. CEO Review

The WMSC CEO will coordinate with WMSC staff to review documentation submitted by WMATA and to discuss the petition. WMATA's petition may propose alternative actions if it can demonstrate that an alternative action will provide, in the WMSC CEO's judgment, at least a level of safety equivalent to that provided by compliance with the WMSC's required action.

The WMSC 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 circumstances at hand. In responding to a petition, the WMSC CEO may issue orders or directives to WMATA on any next steps required by the WMSC, including deadlines as appropriate.

3. Petition for Reconsideration to the WMSC Board

For petitions for reconsideration that have already been disposed of by the WMSC CEO, the WMSC Board may receive, review, and dispose of petitions from the WMATA General Manager for reconsideration of WMSC orders or directives as follows:

a. Petitions for Consideration

A petition must be sent to correspondence[at]WMSC.gov and to the WMSC CEO. The petition must be submitted in writing to the WMSC and signed by the WMATA General Manager **within 21 days** from the date the petition for reconsideration on the same issue was disposed of by the WMSC CEO. The petition must state with particularity the respects in which WMATA believes the issued order or directive should be changed and the form of relief sought.

Proper grounds for a petition to the WMSC Board include:

- i. Availability of newly discovered evidence that is relevant to the issue at hand.
- ii. Technological feasibility.
- iii. Order or directive contains a clear mistake of fact or technical basis.
- iv. Another ground that the WMSC Board determines proper.

b. Petitions that Do Not Warrant Consideration

Petitions for reconsideration that will be dismissed or denied for not warranting consideration by the WMSC Board include:

- i. Failure to adequately support new evidence.
- ii. Failure to identify any clear error or omission warranting reconsideration.
- iii. Failure to state with particularity the action WMATA asserts should be taken as an alternative.
- iv. Relates to matters outside the scope of the order or directive for which reconsideration is sought.
- v. Relates to an order or directive for which reconsideration has been previously disposed of on similar grounds.
- vi. Untimeliness.

c. Board Review

The WMSC Board will coordinate with WMSC staff to review and discuss the petition that was submitted by WMATA. WMATA's petition may propose alternative actions if it can demonstrate that an alternative action will provide, in the WMSC Board's judgment, at least a level of safety equivalent to that provided by compliance with the WMSC's required action. Any alternative action must be adequately supported by a comprehensive analysis.

The WMSC Board must respond to a petition from WMATA in writing **within 30 days** of receipt. The WMSC Board may respond to WMATA that additional time is needed due to the circumstances at hand. In responding to a petition, the WMSC Board may issue orders or directives to WMATA on any next steps required by the WMSC, including deadlines as appropriate.

4. Final Decision

Disposition by the WMSC CEO of a petition for reconsideration constitutes a final decision by the WMSC unless a petition for reconsideration is timely brought before the WMSC Board. In such event, disposition by the WMSC Board constitutes a final decision by the WMSC.

APPENDIX A: ACRONYMS AND ABBREVIATIONS

AIM	Advanced Information Management system
AMF	Advance Mobile Flagging
APTA	American Public Transportation Association
AWIS	Automatic Wayside Inspection System
CAP	Corrective Action Plan
CCTV	Closed-Circuit Television
CEO	Chief Executive Officer
COO	Chief Operating Officer
CSO	Executive Vice President & Chief Safety Officer, Safety & Readiness
EMI	Engineering Modification Instructions
ESC	Executive Safety Committee
FTA	Federal Transit Administration
iCAPA	Internal Corrective and Preventative Action
JLMSC	Joint Labor and Management Safety Committee
MAC	Mission Assurance Coordinator
MTPD	Metro Transit Police Department
NSTB	National Transportation Safety Board
NTD	National Transit Database
OIG	Office of the Inspector General
PDF	Portable Document Format
PMO	Project Management Oversight
PPE	Personal Protective Equipment
PTASP	Public Transportation Agency Safety Plan
Quality	Quality Assurance, Internal Compliance and Oversight
RCA	Recommended Corrective Action
ROCC	Rail Operations Control Center
RTA	Rail Transit Agency
RTRA	WMATA Office of Rail Transportation

RWIC	Roadway Worker In Charge
SAFE	Department of Safety & Readiness
SCRC	Safety Certification Review Committee
SCWG	Safety Certification Working Group
SMS	Safety Management System
SSCPP	Safety and Security Certification Program Plan
SSCVR	Safety and Security Certification Verification Report
SSO	State Safety Oversight
SSOA	State Safety Oversight Agency
TUN	Temporary Use Notice
VMDS	Vehicle Monitoring and Diagnostic System
VMS	Vehicle Monitoring System
WMATA	Washington Metropolitan Area Transit Authority
WMSC	Washington Metrorail Safety Commission