

**WASHINGTON METRORAIL SAFETY COMMISSION**

**Date:** Tuesday, May 14, 2024

**Location:** This meeting was conducted as a publicly streamed video conference. The video recording of the meeting is available at [WMSC Public Meeting of the Commissioners - May 14, 2024 \(youtube.com\)](https://www.youtube.com/watch?v=...). Commissioner questions and comments are captured in the video recording.

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**MINUTES**

| <b>Order of Events</b> | <b>Items</b>   |
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| <b>Attendance</b>      | Commissioners present: Chair Christopher Hart, Vice Chair Robert Lauby, Secretary-Treasurer Debra Farrar-Dyke, and Commissioners Devin Rouse and Christopher Conklin.  |
| 1.                     | <b>Call to Order.</b> Hart.<br><br>Hart called the meeting to order at 12:30 p.m. WMSC General Counsel Silbaugh called the roll, and a quorum was achieved.  |
| 2.                     | <b>Safety Message.</b> Richard David, Emergency Management Specialist.<br><br>David highlighted that the American Lung Association designates May as Clean Air Month. Using public transportation reduces the quantity of contaminants emitted into the air from vehicles. Also, be mindful of the potential for lead at home and at the workplace, do not disturb asbestos, and control moisture and stop opportunities for mold to grow. |
| 3.                     | <b>Approval of the minutes of the April 9, 2024 Public Meeting.</b> Hart.<br><br>Farrar-Dyke sought comments on the proposed minutes. Hearing none, she moved for approval of the minutes of the April 9, 2024 Public Meeting. The minutes of the April 9, 2024 Public Meeting were approved unanimously.  |
| 4.                     | <b>Public Comments.</b> Hart.<br><br>Hart invited comments from members of the public who had joined the webinar audience and who identified themselves as speakers. No attendees chose to provide public comments. Chair Hart reminded viewers that comments may be provided to the WMSC website, through social media, or by email.  |
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| <p>5.</p> | <p><b>Chair’s Remarks.</b> Hart.</p> <p>Hart thanked the staff for its ongoing oversight work. He reported that there is regular dialogue between the WMSC and Metrorail concerning its train operator certification, and staff will provide further details during the meeting. He shared that staff would provide updates on audits, inspections, investigations, and safety certification projects.</p>  |
| <p>6.</p> | <p><b>CEO’s Remarks.</b> David Mayer, Chief Executive Officer.</p> <p>Mayer spoke in greater detail about some of the matters that the Chair introduced, specifically the order issued regarding train operator certification. In the WMSC response to Metrorail’s initial submission, Metrorail confirmed that the records of 389 operators, beyond the initial 71 identified, did not meet its requirements for certification yet were deemed certified train operators. Metrorail is working on corrective action plans to mitigate this hazard. He also reported on the status of the subpoena issued on April 8, seeking production of documents in support of the Fitness for Duty and Occupational Health Programs Audit. Metrorail sought and was granted an extension of time to respond to May 31, and written objections were due by May 6. The WMSC received the written objections on May 6 and was reviewing it. Additionally, Metrorail escalated its lack of cooperation related to worker safety by stating that other written products, even meetings, are implicated by the subpoena requests. For example, Metrorail stated it was pausing discussion with the WMSC on a corrective action plan that had been progressing through the CAP development process. As a result of Metrorail’s actions, the WMSC is prevented from knowing or assessing the safety mitigations, if any, that Metrorail is formulating for identified safety hazards. Metrorail also raised questions about the scope of the WMSC’s authority in nearly every offering of its written comments to draft audits and documents submitted to the WMSC in April and May. On April 27, the WMSC observed Metrorail’s emergency exercise and communicated our concerns about the initial Roadway Job Safety briefing. Other aspects of the exercise were effective, including use of the radio, ventilation fan use, and rescue scenarios. Metrorail is continuing to build replacement wheelsets for the 7000 Series return to service plan, and based on testing, will conduct back-to-back and journal bearing gap inspections every 60 days, instead of every 30 days for the existing wheelsets. The WMSC’s work continues on the in-depth review of Automatic Door Operations and Automatic Train Operations. Last week, the FTA conducted its on-site portion of its triennial audit, in which it reviews compliance with 49 CFR Part 674. Finally, today the Commissioners will review and vote on the WMSC annual fiscal budget and work plan.</p> |
| <p>7.</p> | <p><b>Audits.</b> John O’Donnell, Audit and Corrective Action Plan Specialist.</p> <p>O’Donnell reported that the WMSC has not yet received the majority of the documents needed to begin the Fitness for Duty and Occupational Health Programs Audit. The rolling production under the subpoena request extends through May 31. WMATA also has not restarted the follow-up meetings related to the lead hazard first discovered in 2023 and other occupational safety and health issues. Concerning other audits, Metrorail returned its comments on the draft of the Revenue Vehicle (Railcar) Program, which the WMSC is reviewing and will adjust the report as needed. The Roadway/Wayside Worker Protection Program Audit is being finalized, then it will be</p>   |

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|            | <p>sent to Metrorail for its review. The planning for the Emergency Management and Fire Life Safety Program audit has begun.</p>  |
| <p>8.</p>  | <p><b>Corrective Action Plans (CAPs).</b> John O’Donnell, Audit and Corrective Action Plan Specialist.</p> <p>O’Donnell reported that seven CAPs have been closed since the April 8 public meeting. There are 90 open CAPs, and since the April meeting, Metrorail has submitted 23 new deliverables on those open CAPs. Metrorail submitted draft CAPs for seven of the ten CAPs resulting from the Automatic Train Control and Signals Audit, and stated via email that it was not submitting a revised CAP for one of the findings in the ATC audit until the subpoena for the Fitness for Duty and Occupational Health Audit is resolved. This CAP concerns identifying and mitigating health hazards observed in Train Control Rooms, such as damaged and dislodged materials marked as containing asbestos. Concerning the CAPs following NTSB Safety Recommendation R-23-28 after the 2021 Blue Line derailment, the WMSC provided feedback to WMATA on its latest proposed CAPs, and Metrorail’s responses are due by mid-May. Similarly, Metrorail will provide revised CAPs addressing the Train Operator Certification Order after receiving the WMSC’s feedback last week. The WMSC closed seven CAPs (C-0101 vehicle and switch movement in non-signalized territory, C-0150 from the 2021 High Voltage and Traction Power Program, three CAPs from the 2021 Station Maintenance, Elevators, and Escalators Audit; C-0201, C-0207, C-0210; C-0231 from the 2022 Track Maintenance and Training Audit; and C-0184 effective management of change). O’Donnell also explained that information is reviewed daily to verify Metrorail’s progress on open CAPs.</p> |
| <p>9.</p>  | <p><b>Safety Certification Status Report.</b> Paul Smith, Director, System Engineering.</p> <p>Smith described the WMSC’s oversight role as Metrorail implements its safety certification program. He reported that in April, the WMSC notified Metrorail that the WMSC selected the change to the maximum allowable speed for in-depth review. The other programs under in-depth review are: the new 8000 Series railcars, Metrorail’s Automated Wayside Inspection System, and Automatic Door Operations and Automatic Train Operations. He noted that the WMSC team observed pilot training for train operators and Rail Traffic Controllers and debriefed with Metrorail personnel onsite following the training.</p>   |
| <p>10.</p> | <p><b>Safety Event Investigations.</b> Natalie Quiroz and John DeRenzo, Investigations Analysts.</p> <p>Quiroz highlighted some of the ongoing investigations particularly the February 15 smoke event at Eastern Market Station.</p> <p>The reports referenced below may be found at the following link:<br/> <a href="https://wmsc.gov/oversight/reports/">https://wmsc.gov/oversight/reports/</a>.</p> <ol style="list-style-type: none"> <li>1. W-0272 Roadway Maintenance Machine Derailed in Extended-shutdown Area near Farragut North Station – December 18, 2023</li> <li>2. W-0273 Improper Movement of Prime Mover at D&amp;G Junction – May 8, 2023</li> <li>3. W-0274 Train Movement After Train Operator Hold at Addison Road Station – June 24, 2023</li> </ol>  |

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|     | <ol style="list-style-type: none"> <li>4. W-0275 Train Movement After Improper Removal of Automatic Train Protection headed toward Franconia-Springfield Station – May 24, 2023</li> <li>5. W-0276 Improper Movement resulting in a Red Signal Overrun at L’Enfant Plaza Station – October 27, 2023</li> <li>6. W-0277 Improper Movement resulting in a Red Signal Overrun at West Falls Church Station – July 21, 2023</li> <li>7. W-0278 Traction Power Maintenance Employee Acting as Roadway Worker In Charge Entering Roadway Without Permission near Columbia Heights Station – January 11, 2023</li> <li>8. W-0279 Lack of Advanced Mobile Flagger Briefing – January 12, 2023</li> <li>9. W-0280 Automatic Train Control Maintenance Crew Not Requesting Foul Time Protection near Rockville Station – January 13, 2023</li> <li>10. W-0281 Traction Power Maintenance Crew Inappropriately Entering Roadway – January 29, 2023</li> <li>11. W-0282 Train Passing Work Crew at Excessive Speed near McPherson Square Station – March 10, 2023</li> <li>12. W-0283 Train Passing Work Crew at Excessive Speed near Spring Hill Station – March 29, 2023</li> <li>13. W-0284 Train Passing Work Crew at Excessive Speed near Capitol South Station – April 15, 2023</li> <li>14. W-0285 Train Passing Work Crew at Excessive Speed Observed by Rail Transportation Quality Control Officer – April 17, 2023</li> <li>15. W-0286 Train Passing Work Crew at Excessive Speed near Rosslyn Station – April 23, 2023</li> <li>16. W-0287 Train Passing Work Crew at Excessive Speed between Eisenhower Avenue and King Street Stations – April 26, 2023</li> <li>17. W-0288 Contractor Manager Entered Roadway Without Permission or Protection near Medical Center Station – May 9, 2023</li> <li>18. W-0289 Track and Structures Inspection Crew In Hot Spots Without Permission or Protection near Reagan National Airport Station – May 14, 2023</li> <li>19. W-0290 Rail Supervisor on Roadway Without Electrical Safety Equipment and Protection at Georgia Avenue-Petworth Station – May 23, 2023</li> <li>20. W-0291 Advance Mobile Flagger Incorrect Reporting of Position near Georgia Avenue-Petworth Station – May 24, 2023</li> <li>21. W-0292 Track Inspectors Walking Incorrect Direction Thus Into Unprotected Area near Bethesda Station – July 27, 2023</li> <li>22. W-0293 Improper Door Operations at Archives Station – May 26, 2023</li> <li>23. W-0294 Evacuation for Life Safety Reasons at Greenbelt Rail Yard Railcar Service and Inspection Building – December 5, 2023</li> </ol> <p>The Commissioners moved for the adoption of the 23 reports. The motion passed unanimously (Four Commissioners, a quorum, participated in this vote. Due to the length of the meeting, one Commissioner departed prior to this vote.)</p> |
| 11. | <p><b>Resolutions and Other Actions.</b> Commissioner Farrar-Dyke and Kyle Ange, Chief Financial Officer.</p> <p>Commissioner Farrar-Dyke, Chair of the Finance and Operations Committee, explained the Committee’s actions in reviewing the final proposed FY 2025 budget and work program, including input and agreement from the jurisdictions. The Committee recommends adoption of the budget</p>  |

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|     | <p>and work program. CFO Ange explained the budget total and largest expenses, and that the formulation process was in compliance with the Master Funding Agreement.</p> <p>Commissioners moved for the adoption of the FY 2025 Budget and Work Program. Five Commissioners voted unanimously to adopt the FY 2025 Budget and Work Program.</p> |
| 12. | <p><b>Adjournment.</b> Hart adjourned the meeting at 3:24 p.m.</p>  |