

WASHINGTON METRORAIL SAFETY COMMISSION

Date: Tuesday, June 11, 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 - June 11, 2024 \(youtube.com\)](#). Commissioner questions and comments are captured in the video recording.

MINUTES

Order of Events	Items
Attendance	Commissioners present: Chair Christopher Hart, Vice Chair Robert Lauby, Secretary-Treasurer Debra Farrar-Dyke, and Commissioners Bobb, Rouse, Higgins and DeBruhl. Commissioner Higgins was a voting member.
1.	Call to Order. Hart. Hart called the meeting to order at 12:30 p.m. WMSC General Counsel Silbaugh called the roll, and a quorum was achieved.
2.	Safety Message. Darrell Braxton, Program Specialist, Operations. Braxton recognized that the National Safety Council designated June as National Safety Month. An element of safety is clear communication and focus. Both at home and at work, speak directly about any hazards and how they are mitigated and listen without distraction when others are speaking about the same. Provide clear and complete answers to questions, and if in doubt, verify that the message or answer is understood. Avoid the three key types of distraction: Visual, manual, and cognitive by keeping eyes on the work; hands on tools, railings or places that provide safety; and the mind focused on the task.
3.	Approval of the minutes of the May 14, 2024 Public Meeting. Hart. Farrar-Dyke sought comments on the proposed minutes. Hearing none, she moved for approval of the minutes of the May 14, 2024 Public Meeting. The minutes of the May 14, 2024 Public Meeting were approved unanimously.

4.	<p>Public Comments. Hart.</p> <p>Hart invited comments from members of the public who had joined the webinar audience and who identified themselves as speakers. Mr. Jackson shared his insights into the importance of positive communication. He suggested reviewing NTSB docket documents from rail transit investigations that indicate the need for or the benefit of positive communication. Chair Hart also reminded viewers that comments may be provided to the WMSC website, through social media, or by email.</p>
5.	<p>Chair's Remarks. Hart.</p> <p>Hart thanked the staff for its ongoing oversight work. He acknowledged the regular dialogue between the WMSC and Metrorail concerning its train operator certification, audits and corrective action plans, safety certification, and inspections. Staff will provide further details during the meeting. He forecast the anticipated review and votes on the WMSC annual reports and the revised Program Standard.</p>
6.	<p>CEO's Remarks. David Mayer, Chief Executive Officer.</p> <p>Mayer spoke in greater detail about some of the matters that the Chair introduced, specifically highlighting that Metrorail is making progress addressing non-compliance with train operator certification requirements. Because the number of train operator certifications out of compliance is higher than estimated, Metrorail sought an extension to the order's deadline to July 31. Mayer acknowledged Metrorail's progress on bringing these certifications into compliance. 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 it produced a limited number of documents, but no responsive to the occupational health requests. He shared that counsel planned an in-person meeting for June 12 to work towards resolution of the outstanding issues. He reminded that Metrorail continued its refusal to address other items, including eight existing corrective action plans and one in development, because of Metrorail's perceived connection to the subpoena. 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 certain identified safety hazards. The WMSC issued its final report for the Revenue Vehicles Audit, and the audit team will address specifically in its presentation. The safety certification team continued its full engagement on the Automatic Train Operation project, including attending overseeing training provided for train operators and rail traffic controllers. Expanding on the Chair's comments about the Program Standard, Mayer said that few changes were needed to the Program Standard, and he will explain further during its review and consideration. Last, the FTA conducted its exit conference for its triennial audit, in which it reviews compliance with 49 CFR Part 674. FTA will submit its draft audit report within the next two months.</p>

7.	<p>Audits. John O'Donnell, Audit and Corrective Action Plan Specialist.</p> <p>O'Donnell reported that deadline for the production of documents has passed but the WMSC has not received the majority of the documents needed to begin the Fitness for Duty and Occupational Health Programs Audit. Thus the WMSC is not able to begin its targeted assessment of compliance with worker safety standards. Concerning other audits, Metrorail has received the draft Roadway/Wayside Worker Protection Program Audit for its 30-day review. The planning for the Emergency Management and Fire Life Safety Program audit continues, and the notification and initial requests were sent on June 3. Last, O'Donnell reviewed the Findings from the Revenue Vehicle Audit.</p>
8.	<p>Corrective Action Plans (CAPs). John O'Donnell, Audit and Corrective Action Plan Specialist.</p> <p>O'Donnell reported that two CAPs have been closed since the May 14 public meeting. There are 94 open CAPs, and since the May meeting, Metrorail has submitted 16 new deliverables on those open CAPs. Metrorail submitted two revised draft CAPs in response to the Train Operator Certification Order, which the WMSC approved. In May, Metrorail also submitted the last of four CAPs submitted in response to the NTSB Safety Recommendation R-23-28 after the 2021 Blue Line derailment. The two closed CAPs are C-0118 and C-0195. C-0118 identified gaps in Metrorail's safety certification program. To improve its process, Metrorail conducted a gap analysis to identify projects not properly assessed and updated related plan documents. C-0195 addressed a finding in the 2021 Rail Operation Audit that the operations departments did not have a process to consider and act upon safety input from all Metrorail staff. Metrorail implemented its Safety Management System in the Rail Operations Department, including adjusting the role of the Incident Investigation Manager. O'Donnell also explained that information is reviewed daily to verify Metrorail's progress on open CAPs.</p>
9.	<p>Safety Certification Status Report. Paul Smith, Director, System Engineering.</p> <p>Smith described the WMSC's oversight role as Metrorail implements its safety certification program. He provided an update on the in-depth review of Metrorail's change to the maximum allowable speed that the WMSC has requested the foundational document and engineering evaluations that support the increased speed. 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, tabletop exercises and train demonstration runs for ATO and ADO. Also, construction on the Hitachi facility in Hagerstown, Maryland that will support the 8000 series railcars is progressing.</p>
10.	<p>Safety Event Investigations. Adam Quigley, Manager, Safety Investigations and Natalie Quiroz, Investigations Analyst.</p>

	<p>Quigley highlighted some of the ongoing investigations particularly the May 18 evacuation for life safety reasons at Foggy Bottom-GWU Station. During this incident, Metrorail began restoring third-rail power without confirming that the firefighters were clear of the roadway.</p> <p>The reports referenced below may be found at the following link: https://wmsc.gov/oversight/reports/.</p> <ol style="list-style-type: none"> 1. W-0295 Collision at Twinbrook Station – December 9, 2023 2. W-0296 Roadway Worker Protection – Train not briefed by AMF at Branch Avenue Station – January 26, 2023 3. W-0297 Roadway Worker Protection – Excessive Speed Past Workers at D&G Junction – February 25, 2023 4. W-0298 Roadway Worker Protection Noncompliance at Federal Center Southwest Station – June 8, 2023 5. W-0299 Roadway Worker Protection Noncompliance near Rosslyn Station – September 12, 2023 6. W-0300 Improper Door Operations at West Hyattsville Station – March 7, 2023 7. W-0301 Improper Door Operations at Largo Station – July 12, 2023 8. W-0302 Improper Door Operations at Deanwood Station – July 14, 2023 9. W-0303 Improper Door Operations at Smithsonian Station – August 23, 2023 <p>The Commissioners moved for the adoption of the 9 reports. The motion passed unanimously.</p>
11.	<p>Resolutions and Other Actions. Hart.</p> <ol style="list-style-type: none"> 1. Resolution R-2024-05: The Commissioners reviewed and considered the annual revision to the WMSC Program Standard, which states the requirements and deadlines for Metrorail, and the expectations from the WMSC when conducting its authorities under the Compact. Mayer discussed the process to develop the draft Program Standard, which included inviting and reviewing comments from Metrorail. <p>Bobb moved for the approval of Resolution R-2024-05, adopting the Annual Program Standard revision effective on July 1, 2024. The motion passed unanimously.</p> <ol style="list-style-type: none"> 2. The Commissioners reviewed and considered the draft 2023 Annual Safety Report and the 2023 Annual Report of Operations. Lauby moved for the approval and publication of these Annual Reports and the motion passed unanimously.
12.	<p>Adjournment. Hart adjourned the public part of the meeting at 2:10.</p>
13.	<p>Closed Meeting. Hart moved for the Commissioners to meet in a closed meeting to discuss issues that related solely to the internal personnel rules and policies of the agency. General Counsel Silbaugh agreed that pursuant to 5 U.S.C. § 552b(c)(2) and (d)(1), discussing internal personnel</p>

	rules and policies of the agency was an exception to the open meetings requirements and moving into a closed meeting required a majority vote of the Commissioners. The motion passed unanimously. The Commissioners recessed the meeting on June 11 and reconvened on July 12 following the same rules and procedures. The meeting adjourned on July 12.
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