



**Washington Metrorail Safety Commission
Future Roadway Worker Protection Program Revisions
September 27, 2024**

Preamble:

Roadway worker protection (“RWP”) is the primary method of protecting employees, contractors, and others who must be on or near the roadway; For this reason, it is an essential part of the Washington Metropolitan Area Transit Authority’s (“WMATA”) requirements for its personnel on the Rail System.

The RWP Program includes layers of protection with multiple mitigations designed to work together to reduce WMATA’s risk of a safety event to an acceptable level. “Acceptance of routine non-compliance with these requirements, as evidenced by observations and interviews where personnel reported routinely not complying with watchman/lookout, personal protective equipment, and other RWP requirements, leads to further practical drift from these critical safety procedures, which places Metrorail personnel at greater risk of injury or death.” ([2024 WMATA Audit of Roadway Worker Protection \(RWP\) Program](#), issued July 31, 2024, p. 16.)

The July 31, 2024, Washington Metrorail Safety Commission (“WMSC”) Audit of [the] RWP Program (“RWP Audit” or “audit”) detailed 13 findings. During the audit, WMSC personnel observed unsafe practices contrary to WMATA policies and procedures at every observation activity conducted. The WMSC and WMATA are currently in the process of developing corrective action plans (“CAP”) for each of those 13 findings.

Finding 1 of that report found that WMATA is not effectively ensuring that its personnel on and around the roadway are consistently following the Roadway Worker Protection rules designed for their safety. The audit determined that WMATA does not monitor the effectiveness of and compliance with its RWP Program. One of the required corrective actions to address this issue is for WMATA to incorporate regular RWP rule compliance checks and monitoring on an ongoing basis to check for compliance and gather data on compliance. However, WMATA regularly proposes and approves changes that alter or affect the RWP Program, making data collection and compliance checks difficult. Finding 1 illustrates that WMATA’s focus on rule changes is at the expense of ensuring compliance with existing rules designed for transit worker safety.

This order flows from the 2024 RWP Audit’s findings but serves to address a global challenge confronting WMATA’s RWP Program—that the pace of rule changes negatively impacts WMATA’s ability to maintain a safe and mature RWP Program. Recently, the pace of rule changes has manifested as a global problem hindering WMATA’s RWP Program. These additional three findings from the 2024 RWP Audit show how this problem pervades the Program:

- Finding 2: WMATA is not providing its personnel with up-to-date and accessible information about the locations where additional RWP is required to prevent serious injury or death;



- Finding 3: WMATA is not systematically identifying, tracking, and mitigating hazards related to RWP as required by its Agency Safety Plan; and
- Finding 4: WMATA is training and qualifying personnel on outdated RWP-related procedures and rules.

Finding 2 illustrates that basic and necessary roadway safety information (Quick Access Guides) are not being kept up to date, not being distributed to personnel, and not being controlled. Finding 3 identified that WMATA has no comprehensive hazard log for RWP, which means individual rule changes are being considered against incomplete RWP hazard information. Finding 4 identified that even after new rule changes are implemented, personnel are taught to follow rules that are no longer in effect.

WMATA's focus on rule changes has effectively diverted attention from ensuring its personnel adhere to rules that are designed for their protection. Although WMATA is working on changes to improve roadway worker safety, this order will help ensure that WMATA implements revisions in an annualized and comprehensive manner.



Order of the WASHINGTON METRORAIL SAFETY COMMISSION

On this day, September 27, 2024, the WMSC issues the following order regarding the WMATA Rail System:

WHEREAS, the WMSC is the designated State Safety Oversight Agency for the WMATA Rail System, as required by 49 U.S.C. § 5329(e)(3)(C);

WHEREAS, the WMSC's powers are established by the WMSC Interstate Compact (P.L. 115-54; 131 Stat. 1093) ("WMSC Compact"), passed into law by the Commonwealth of Virginia, State of Maryland, and District of Columbia and approved by Congress on August 22, 2017;

WHEREAS, among the powers granted to the WMSC under the WMSC Compact is the authority to "[t]ake . . . actions as the Commission may deem appropriate consistent with its purpose and powers." WMSC Compact § 31(f);

WHEREAS, for the purposes of this Order, "transit workers" are any employees, contractors, or volunteers working on the WMATA Rail System;

WHEREAS, WMATA's Roadway Worker Protection ("RWP") Program constitutes the policies, processes, and procedures implemented by WMATA to prevent safety events for transit workers who must access the roadway in the performance of their work;

WHEREAS, the RWP Program undergoes numerous and frequent changes to its RWP Program;

WHEREAS, the current revisions process for the RWP Program is unlike other revision cycles, such as WMATA's Public Transportation Agency Safety Plan and the WMSC Program Standard, which are comprehensively reviewed and updated annually;

WHEREAS, the 2024 RWP Audit found that WMATA is training and qualifying personnel on outdated RWP-related procedures and rules (Finding 4), which is partly attributable to the frequent rule changes; and

WHEREAS, the rate of rule changes conflicts with WMATA's statement, repeated in its recent RWP Safety Stand down training, that it has a mature RWP Program, and these changes make it difficult for transit workers to comply with RWP rules;

The WMSC ORDERS the following:

1. Maintain the Existing RWP Program.

Until it meets the requirements set forth below in Part 2 of this Order, WMATA must maintain its RWP Program as it is written and implemented on October 1, 2024, except that:



- a. WMATA must continue the implementation of open CAPs and continue the development of CAPs for WMSC's approval and subsequent implementation in accordance with the requirements of the WMSC Program Standard; and
 - b. WMATA may undertake immediate temporary action for any RWP condition that presents a risk requiring WMATA General Manager, Chief Operating Officer, or Chief Safety & Readiness Officer approval to continue activity without level-changing mitigations in place; provided, that within 24 hours, WMATA must provide to the WMSC all information related to the RWP mitigation and the action that is planned or underway.
- 2. Future RWP Program and Training Revisions.**
- a. No more than one time per calendar year and in a single package, WMATA may propose for WMSC review and approval, revisions to its RWP Program ("Revision Package"), including the date it intends for the revisions to take effect.
 - i. WMATA will choose when to submit any Revision Package.
 - ii. The WMSC will review and provide WMATA notice of approval or disapproval of each Revision Package within 30 days of submittal.
 - iii. If the WMSC approves a Revision Package, it will take effect on the effective date WMATA includes in the package.
 - b. The intention of this Order is to minimize non-annual revisions; however, the WMSC recognizes such revisions will occasionally be necessary. WMATA may make changes outside its annual Revision Package to:
 - i. Implement CAPs relating to RWP or continue the development of CAPs for WMSC's approval and subsequent implementation in accordance with the requirements of the WMSC Program Standard.
 - ii. Take immediate temporary action for any RWP condition that presents a risk requiring WMATA General Manager, Chief Operating Officer or Chief Safety & Readiness Officer approval to continue work without mitigations in place; provided, that within 24 hours, WMATA must provide to the WMSC all information related to the RWP mitigation and the action that is planned or underway.
 - c. As part of each Revision Package, WMATA must identify any revisions to RWP training it intends to implement and demonstrate how training will be updated, provided to transit workers, and tracked.
- 3. Document and data request.** Provide all information gathered, including all data, that was reviewed and that pertains to the development and approval of Permanent Orders 24-05, 24-08, and 24-10.
- 4. Compliance Checks for PO-24-08.** As stated in the RWP Audit, WMATA must ensure appropriate safety promotion and awareness for personnel to understand the safety implications of unauthorized deviations from documented roadway worker protection requirements. WMATA must also develop and implement a systematic process that ensures compliance with roadway worker protection rules, particularly PO-24-08 (effective on October 1, 2024). WMATA's process



must incorporate regular compliance checks and monitoring of adherence to PO-24-08 on an ongoing basis by departmental supervisors, managers, the Department of Safety, and other personnel. This process must include data analysis from these RWP safety performance checks on PO-24-08, regular identification of trends, identification of and completion of needed corrective action, and ongoing validation and analysis of PO-24-08 compliance program effectiveness. An example of such a program can be found in the U.S. Code of Federal Regulations under 49 C.F.R. Section 217.9.

Therefore, through October 1, 2025, WMATA will conduct weekly RWP Program compliance checks to ensure compliance with PO-24-08. Thereafter, WMATA will conduct weekly RWP Program compliance checks as established by CAP C-0280 (corresponds with Finding 1 of the 2024 RWP Audit). The WMSC may participate in the compliance checks.

David L. Mayer
Chief Executive Officer
Washington Metrorail Safety Commission