



## **NOTICE OF NON-COMPLIANCE**

### **Summary**

In the 2021 Audit of Revenue Vehicle (Railcar) Programs, the WMSC identified that the Washington Metropolitan Area Transit Authority (WMATA) Metrorail railcars do not have inward and outward facing audio and image recorders in all operating compartments (report Recommendation 1). The lack of image recorders limits hazard identification and safety performance monitoring. These cameras would also benefit safety event investigations fact gathering and future incident prevention.

In a [July 8, 2015 Safety Recommendation](#) on the issue of inward and outward facing audio and video recording devices, the NTSB stated:

The NTSB continues to believe inward- and outward-facing audio and image recorders improve the quality of accident investigations and provide the opportunity for proactive steps by railroad management to improve operational safety. We have been encouraged by the inclusion of these recommendations previously proposed in rail safety legislation, and we hope this can be part of a rail safety legislative proposal that may be considered by this Congress. We are also encouraged that two Class I railroads and some commuter railroads have proceeded with installing in-cab audio and image recorder devices in their locomotives.

This issue is discussed in the [WMSC's 2021 Audit of Revenue Vehicle \(Railcar\) Programs Report](#), which includes the following excerpt:

Metrorail would benefit from including audio recordings as recommended by the NTSB for a number of reasons, including to monitor the implementation of planned “point and call” signal programs, identification of distractions, and documentation of public address announcements or other communications with passengers that are currently not recorded to assist with continuous safety improvement. Video and audio filtering technology can also be used to review recordings to determine the conditions present in cars or the conditions of certain subsystems. Outside of this audit, the WMSC has identified issues requiring improved training at WMATA even using the limited in-cab video recordings currently available only on 7000 Series trains. For example, when reviewing video to confirm compliance with electronic device policies as part of a corrective action plan closure request verification, the WMSC identified other areas of concern such as an operator wearing sunglasses in a tunnel, and operators drinking beverages while operating trains, both of which are prohibited by Metrorail rules.

As a result of the WMSC's audit recommendation on this issue, WMATA created corrective action plan (CAP) C-0146 which the WMSC approved on January 7, 2022. On August 9, 2024, the WMSC should have received a project plan for camera and audio recording equipment procurement, installation, and

testing for 6000 and 7000 series railcars (Actionable Item 1). Instead, WMATA submitted a memorandum on August 12, 2024 stating that Metrorail currently has no clear timeline or plan for execution of C-0146.

## Authority

The Washington Metrorail Safety Commission (WMSC) Compact (P.L. 115-54), Article IV, Powers, Sec. 30(a) states “In carrying out its purposes, the Commission, through its Board or designated employees or agents, shall, consistent with federal law: (a) Adopt, revise, and distribute a written State Safety Oversight Program[]” and Sec. 30(c) states “(c) Require, review, approve, oversee, and enforce the adoption and implementation of any Corrective Action Plans that the Commission deems appropriate[.]” Further, WMSC Compact Sec. 31(c) provides that the WMSC may “[c]ompel WMATA’s compliance with any Corrective Action Plan or order of the Commission by such means as the Commission deems appropriate...”.

Pursuant to WMSC Compact Sec. 30(a) and 30(b) and 49 CFR sec. 674.27(a)(1), version 7 of the WMSC Program Standard which became effective on July 1, 2024 (may be found at <https://wmsc.gov/program-standard/>), Program Standard section 9.C states that “[p]roper 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.” And “[t]he WMSC considers the [CAP] submission timely when QICO submits it to the WMSC by the Friday of that week.” (Program Standard section 9.C.5.)

This Notice of Non-Compliance is brought in accordance with Program Standard section 11.B:

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 email to the WMATA Executive Vice President and Chief Safety & Readiness Officer, 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.

## Background

On September 14, 2021, the WMSC issued the [Audit of Revenue Vehicle \(Railcar\) Programs](#). Recommendation 1 identified that “Metrorail railcars do not include inward- and outward-facing audio and image recorders in all operating compartments.” The corresponding corrective action plan was approved as C-0146 on January 7, 2022, with seven actionable items. This originally approved CAP schedule was to be completed by February 5, 2027, with submission of the first two actionable items containing the 6000 and 7000 series statements of work by January 4, 2023. The WMSC has received four modification requests for C-0146. The first modification request was received on December 28, 2022, requesting an additional two months for all actionable items pending internal WMATA determination of a new direction for this CAP’s completion. On January 12, 2023, the WMSC approved

this request in part (as to Actionable Items 1 and 2) and denied the request in part (as to Actionable Items 3–7).

The WMSC received a second modification request on February 22, 2023, which requested six additional months for WMATA to determine its I.T. infrastructure and capabilities. After requesting and receiving additional clarifying correspondence throughout March and April 2023, the WMSC met with WMATA personnel on April 26, 2023 to discuss this request. In that meeting, WMATA informed the WMSC it needed additional time to plan the path forward for C-0146. WMATA planned to submit an additional modification request by June 23, 2023. WMATA then requested additional time to provide that request, stating it could provide this revised request by August 9, 2023, when the plan for the first two actionable items of this CAP was finalized. No modification request or submission was received as agreed upon in August of 2023. After several queries to WMATA, it said it would provide an update in early September 2023.

On September 11, 2023, the WMSC was informed by WMATA that “the process for the 7K railcars is dependent upon the design and performance of the 6K fleet. Schedule for 7K will be provided once the 6K design has been finalized.” Following additional WMSC inquiry on October 27, 2023, WMATA requested a stay on C-0146 pending internal clarification. The WMSC did not issue a stay and instead continued dialogue with WMATA.

Thereafter, on December 26, 2023, the WMSC received a third modification request, which the WMSC approved in January of 2024. This modification request revised the actionable items of C-0146 to align with WMATA’s Enterprise-wide Video System Program. C-0146 was now expected to be completed in six actionable items with ultimate completion scheduled for August 19, 2026 (approximately six months earlier than the original CAP schedule). The first actionable item in this newly revised C-0146 was due by June 7, 2024, which required submission of a project plan “for camera and audio recording equipment procurement, installation, and testing for 6000 and 7000 series railcars.”

On June 5, 2024, the WMSC received a fourth modification request in which WMATA requested two additional months for completing all six actionable items, citing impacts on shop space and service. The WMSC approved the request for only Actionable Item 1, agreeing to evaluate the Actionable Item 1 submission and subsequently respond to the remaining items in WMATA’s June 2024 proposed modification request following that review. This two-month extension for Actionable Item 1 meant that the due date became August 9, 2024. The WMSC did not receive Actionable Item 1 on August 9.

On August 12, 2024, the WMSC received a memorandum stating “the start and completion dates for the 7000 series railcar plan may differ from current forecasts for the 6000 series plan. WMATA will submit the separate implementation plans for the 6000 and the 7000 series railcars as soon as they are finalized.” No submission containing the required contents of Actionable Item 1 was received.

No aspects of C-0146 have been completed to date.

## Compliance

For WMATA to return to compliance for C-0146, WMATA must submit C-0146 Actionable Item 1 by Thursday, September 12, 2024. All other actionable items for C-0146 remain due as stated in the signed CAP (revision 1).



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