

WASHINGTON METRORAIL SAFETY COMMISSION

Date: **Tuesday, October 22, 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 - October 22, 2024](#). Commissioner questions and comments are captured in the video recording.

MINUTES

Order of Events	Items
Attendance	Commissioners present: Chair Christopher Hart, Secretary-Treasurer Debra Farrar-Dyke, and Commissioners Rouse, Conklin, and Higgins. Commissioner Higgins was a non-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. Although falling leaves are a hallmark of the season, Braxton warned of their dangers on the roads. Wet or frozen leaves can be slippery. And too many leaves on the roads can cover lane markings, holes, or speed bumps. Reducing speeds and keeping a safe distance from other drivers is best. Leaves and leaf oils affect Metrorail’s roadway too by lessening the adhesion between the wheels and tracks. Metrorail institutes speed restrictions in the areas that are prone to leaf accumulation on the tracks. The WMSC monitors these seasonal adjustments.
3.	Approval of the minutes of the September 17, 2024 Public Meeting. Hart. Farrar-Dyke sought comments on the proposed minutes. Hearing none, she moved for approval of the minutes of the September 17, 2024 Public Meeting. The minutes of the September 17, 2024 Public Meeting were approved unanimously.
4.	Public Comments. Hart. Hart invited comments from members of the public who had joined the webinar audience and who identified themselves as speakers. No members of the public offered comments. Chair Hart

	<p>also reminded viewers that comments may be provided to the WMSC website, through social media, or by email.</p>
<p>5.</p>	<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 safety certification, audits, and corrective action plans. He informed the Commissioners that two resolutions will be considered and voted on. The first is to transmit the WMSC’s draft fiscal year 2026 Work Program and Budget to our jurisdictional funding partners, and the second is an interim revision to the WMSC’s Program Standard that incorporates the approved risk-based inspection program that is mandated by the Federal Transit Administration.</p>
<p>6.</p>	<p>CEO’s Remarks. David Mayer, Chief Executive Officer.</p> <p>Mayer provided updates for ongoing oversight work. First, as the next step in FTA’s audit process, the WMSC received its final report of the WMSC’s State Safety Oversight Program implementation. As FTA forecast, it has one finding concerning logging milestones in CAPs. The WMSC will draft a corrective action plan to resolve the finding. Second, the WMSC invites input from the public on safety concerns. In September, the WMSC followed up on information about the potential mixing of new and used parts used on the 7000 series railcars. The WMATA OIG received similar reports. Each organization independently conducted inspections, and the WMSC determined there were no immediate safety concerns. However, because of the WMSC and WMATA OIG inquiries, Metrorail is revising program and instructional materials related to these parts. Mayer again 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. He shared that the WMSC has received most of the initial documents for the fitness for duty and drug and alcohol segments of the audit, but WMATA continues its refusal to provide occupational health-related documents. Also, the WMSC provided a written guidance document for WMATA’s review and WMATA provided feedback; however, this did not lead to a solution to the continuing dispute about the scope of the WMSC’s authority. The WMSC also has issued four notices of non-compliance: concerning an overdue CAP about installation of inward and outward facing audio/video cameras on all railcars, an overdue CAP for completion of load ratings on WMATA’s bridges and aerial structures, and the failure to develop two CAPs stemming from recent audits. Next, Mayer reported on the WMSC’s issuance of an order addressing the pace of changes to Metrorail’s Roadway Worker Protection program. The intended goal is to create an annual predictable revision cycle, with exceptions to address safety risks meeting certain conditions, and for any changes resulting from WMSC-required CAPs. On October 11, Metrorail submitted a petition for reconsideration of the RWP Order. As provided in the WMSC’s Program Standard Section 11, Mayer will respond to this petition for reconsideration no later than October 25th. Last, he recognized the continued work on automatic train operations, including a workshop that provided another opportunity for the WMSC and Metrorail to review key areas of work as Metrorail continues its work toward safety certification of ATO on the Red Line.</p>

<p>7.</p>	<p>Audits. John O’Donnell, Audit and Corrective Action Plan Specialist.</p> <p>O’Donnell expounded on Mayer’s report that the 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. For ongoing audits, the interviews and observations were completed for the Emergency Management and Fire Life Safety Program audit, and the exit conference was held on October 16. The day before, October 15, the WMSC held the entrance conference for the Control Center and Rail Operations audit. The WMSC team has reviewed responsive documents and information and will conduct interviews and on-site observations into November. Last, the WMSC started its planning for the Elevators and Escalators audit. The notification letter and initial document requests for this audit will be sent in November.</p>
<p>8.</p>	<p>Corrective Action Plans (CAPs). Davis Rajtik, Deputy Chief Operating Officer and Director, Audit and Corrective Action Plans.</p> <p>Rajtik reported that six CAPs have been closed since the September 17 public meeting. There are 88 open CAPs, and Metrorail proposed and the WMSC provided feedback on CAPs stemming from the Roadway Worker Protection Audit. Metrorail has submitted 36 new deliverables for the open CAPs between the September and October meetings. Rajtik explained the status of the CAPs that resulted in the issuance of three notices of non-compliance. On October 15, a notice was issued for C-0072 (failure to complete load ratings for its elevated structures); on October 18, a notice was issued for C-0255 (failure to develop a CAP from an finding in the Automatic Train Control and Signals Program Audit; and on October 18, a notice was issued for C-0272 (failure to develop a CAP from a finding in the Revenue Vehicles (Railcar) Program audit. Rajtik provided an update on the notice of non-compliance issued in August for C-0146 (failure to install audio and video recording devices in all operating compartments). Metrorail submitted a project plan, but with a completion date in 2028. The WMSC expressed its concern with this date and a modification request is expected in November. The six closed CAPs are C-0059 (2020 Rail Operations Control Center Audit found Procedures Manuals were not updated regularly), C-0151 (2021 High-voltage Traction Power Audit finding that maintenance inspections were not documented, tracked, or conducted), C-0232 (2022 Track and Structures Audit finding that WMATA did not have a weed spraying program consistent with industry standards), C-0235 (2022 Internal Safety Review Audit finding that WMATA did not incorporate its findings from internal safety reviews into WMATA’s Safety Management System), C-0236 (2022 Internal Safety Review Audit finding that SMS training was not conducted for the Internal Safety Review staff), and C-0248 (2023 Rail Maintenance Machines Audit finding that Metrorail lacked a process for decommissioning rail maintenance equipment).</p>
<p>9.</p>	<p>Safety Certification Status Report. Paul Smith, Director, System Engineering.</p> <p>Smith described the philosophy of the safety certification program at Metrorail, which is to comprehensively identify hazards and evaluate the probability and severity of each hazard, and to mitigate those hazards based on Metrorail’s safety risk assessment methodology. Safety certification is performed during all phases of a project. The WMSC conducts oversight of WMATA’s safety certification program, verifying that WMATA adheres to the certification steps it</p>

	<p>plans. Smith provided an update on the in-depth review of Metrorail’s change to the maximum allowable speed and use of automatic train operations. The WMSC attended an ATO workshop on October 11 and shared the primary matters that WMATA must address to complete the safety certification process. The WMSC also observed an overnight demonstration run using ATO, and classroom ATO Pilot training. The WMSC provided comments on the draft safety certification package that WMATA provided prior to the October meeting. The other programs under in-depth review are the new 8000 Series railcars and Metrorail’s Automated Wayside Inspection System.</p>
<p>10.</p>	<p>Safety Event Investigations. Adam Quigley, Manager, Safety Investigations and Natalie Quiroz, Investigations Analyst.</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-0345 Improper Roadway Worker Protection at Deanwood Station – March 21, 2024 2. W-0346 Improper Door Operations at Farragut West Station – February 26, 2024 3. W-0347 Improper Door Operations at Vienna Station – March 12, 2024 4. W-0348 Improper Use of Automatic Train Operation near Innovation Center Station – March 17, 2023 5. W-0349 Improper Use of Automatic Train Operation near Huntington Station – March 27 & 28, 2024 (and three prior incidents) <p>Commissioners moved to adopt the five reports. The motion passed unanimously.</p>
<p>11.</p>	<p>Resolutions and Other Actions. Hart; Kyle Ange, Chief Financial Officer; and David Mayer, CEO.</p> <p>The Commissioners considered two resolutions:</p> <ol style="list-style-type: none"> 1. Resolution R-2024-07: Following a review by the Finance Committee, the Commissioners reviewed and considered the draft Fiscal Year 2026 budget and work program. This draft is used by the jurisdictions to prepare recommendations for its leadership to authorize timely payment of the jurisdictional share of the WMSC’s yearly budget. <p>Rouse moved for the approval of Resolution R-2024-07, approving the transmission to the jurisdictions of the draft Fiscal Year 2026 budget and work program. The motion passed unanimously.</p> <ol style="list-style-type: none"> 2. Resolution R-2024-08: The Commissioners reviewed and considered a revision to the WMSC Program Standard (Rev. 7.1), which states the requirements and deadlines for Metrorail, and the expectations from the WMSC when conducting its authorities under the Compact. This revision implements the FTA approved risk-based inspection program required under FTA Special Directive No. 22-50. Mayer discussed the process to develop this Program Standard revision, which included inviting and reviewing comments from Metrorail.

	Rouse moved for the approval of Resolution R-2024-08, adopting Program Standard revision 7.1 effective on November 15, 2024. The motion passed unanimously.
12.	Adjournment. Hart adjourned the meeting at 2:02.
13.	Closed Meeting. On November 7, 2024, Chair 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 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. Following their discussion, the Commissioners finalized performance objectives. Then the meeting adjourned.