

A SAFE TRACK?: OVERSIGHT OF WMATA'S SAFETY AND MAINTENANCE

JOINT HEARING BEFORE THE SUBCOMMITTEE ON GOVERNMENT OPERATIONS AND THE SUBCOMMITTEE ON TRANSPORTATION AND PUBLIC ASSETS OF THE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM HOUSE OF REPRESENTATIVES ONE HUNDRED FOURTEENTH CONGRESS SECOND SESSION

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A SAFE TRACK?: OVERSIGHT OF WMATA'S SAFETY AND MAINTENANCE

Friday, December 2, 2016

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON GOVERNMENT OPERATIONS, JOINT
WITH SUBCOMMITTEE ON TRANSPORTATION AND PUBLIC
ASSETS,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, D.C.

The subcommittee met, pursuant to call, at 9:00 a.m., in Room 2154, Rayburn House Office Building, Hon. John L. Mica [chairman of the Subcommittee on Transportation and Public Assets] presiding.

Present: Representatives Mica, Meadows, Grothman, Jordan, Buck, Carter, Chaffetz, Connolly, Watson Coleman, Maloney, and DeSaulnier.

Also present: Representatives Comstock, Delaney, and Beyer.

Mr. MICA. Good morning. I'd like to call this joint hearing of the Subcommittees on Transportation and Public Assets and Government Operations to order. Two of our subcommittees of the Committee on Oversight and Government Reform are holding a joint hearing today. And the title of this hearing is "A SafeTrack"—that deals, of course, with Washington Metro—an "Oversight of WMATA Safety and Maintenance Issues."

I'm pleased to convene the hearing this morning. And the order of business is we'll start with opening statements from members, and then we'll go to our panel of witnesses. And after we've heard from all of them, we'll go into questioning.

With that, we'll begin the hearing. And let me recognize first Chairman Chaffetz, the chairman of the full committee.

Mr. Chaffetz, you're recognized.

Mr. CHAFFETZ. I thank you, Chairman. And I want to just take a point of personal privilege here. This is the last hearing that Mr. Mica will chair in the United States Congress. Mr. Mica has served with great distinction for 24 years in this body. He has served as the chairman of the Transportation Infrastructure Committee. He's poured his heart and soul into this Nation and to this body over more than two decades. And so we want to say thank you, we want to say thank you, and we want to say thank you for the tremendous service that you have dedicated over the years. And you've been a great inspiration to a lot of us. And it's an honor and a privilege to serve with you. We wish you and your wife nothing but the best. But it is an honor to be with you this last hearing that

you're going to chair. And we wish you nothing but the best. But God bless you. Thank you.

Mr. MICA. Thank you.

Mr. CHAFFETZ. Thank you very much. Yield back.

Mr. MICA. Thank you.

Mr. Connolly.

Mr. CONNOLLY. Speaking for the Democratic side of the aisle, I also want to wish you Godspeed and thank you for your service. We have a reputation for not always being able to collaborate on a bipartisan basis up here, but when you and I served together, you as chairman of the subcommittee and me as the ranking member, actually we made a lot of common music. And I think you did an awful lot of good both here and, of course, on the Transportation Committee as well. I'm going to miss you personally, John. And on behalf of the Democratic side of the aisle, thank you for your service to your country.

Mr. MICA. Well, thank you, Gerry. And thank you, Chairman Chaffetz. All the members of the committee, it's been a pleasure, Mr. Meadows, Mr. Jordan, and others that I've had the opportunity to serve with. A few minutes ago, we got to thank some of the staff for their work this year. And you can't operate an important committee like this without having a tremendous staff, which on both sides of the aisle we've been blessed.

So while there may be some cheering from the bureaucrats that Mica's finally gone, I can assure you I still will be very actively engaged and involved. But there's no better committee to serve on. Now, I have chaired Transportation, but this committee, dating back to 1808, performs such an important service for the American people. It really does. It's not an authorizer, it's not an appropriator, but it tries to make things right, get things right, and hold people accountable. And that's so important in our structure of government.

So it's been my pleasure to serve. And I'm not finished yet, either with this hearing or in service to the people of this great country. So I thank you for those accolades. I wish I'd had more of them during my service. But—and my weird sense of humor or sick sense of humor, the humor my wife says most people don't understand that I have, is an inherited thing. So I try to—you try to keep a light side of it along the way, but we do have an important mission.

With that being said, we need to get to our work here. And this is important work. And without objection, the chair is authorized to declare a recess at any time. Kind of fitting in the last hearing here, it's on transportation. And I was honored to have this subcommittee which is responsible for transportation oversight for the House of Representatives under my watch for the past term.

And, unfortunately, today we're back to where we've been before, and we have been some four times. This is our fourth hearing on oversight of, unfortunately, some of the problems with the D.C. Metro in this Congress. And those hearings go back to February of 2015. And then we did another one in July of 2015, and April of 2016. And, again, this is our fourth.

If you woke up this morning in metropolitan area of the District of Columbia, Northern Virginia, and Maryland, first thing I was

greeted with is my colleague Gerry Connolly on the radio blasting what we all found out on the report that was released yesterday, some of the highlights of the NTSB report—we'll hear more about that—on the Falls Church derailment. And what is particularly troubling in that report is that, unfortunately, some of the information about the deterioration of the rail ties and lines in the area was reported and known for more than a year. And there are questions about possible falsification of reports, intimidation of employees. Some folks were trying to do the right thing and were—the safety issues were ignored. And that's a very, very serious matter. So we'll talk more about that.

Again, it's the latest in a whole series of safety issues that we have addressed in these past hearings. And, again, the latest report, not from us but from NTSB highlights that almost 17,000 open track defects are still waiting to be repaired. And some of these dating back to 2008.

In a briefing in its—on its investigation, the NTSB informed our committee that the state of Metro's rails is deplorable. Metro's current state of disrepair is—and that's their term, not ours, but we can join them in that evaluation. Metro's current state of disrepair is the result of years and years of deferring maintenance needs, negligence in some cases. Unfortunately, we've seen cases of gross mismanagement. And then also most troubling for the taxpayers, is runaway costs.

Mr. Wiedefeld's first—safety first message has been encouraging. And we know he's been on the job a short period of time, but Metro has to continue to improve its performance.

We are now halfway through the SafeTrack rebuilding schedule, but the system continues to be plagued by safety incidents on almost a weekly basis. On July 5, we had a second signal violation and a wreck. On July 29, a train with 63 passengers on board derailed. On September 13, a crowded train stalled at Farragut North for nearly 40 minutes with almost no announcements from the operators to the riders. On October 20, two FTA safety inspectors were almost struck by a train that violated speed restrictions. And we continue to see arcing incidents—and I want to hear more about the status of where we are there—that have caused smoke, fire, and, unfortunately, at one of the first junctures we had a loss of life.

It's been, unfortunately, now commonplace that things are so bad they've even created a Web site—and that Web site is metroonfire.com—to find out if Metro is, in fact, suffering from smoke or fire incidents at any particular time.

These incidents and service disruptions continue to keep riders and the entire system in constant turmoil. Early in January 2015, the previous chairman of the Metro's board praised the outgoing manager for rebuilding the safety culture from top to bottom after years of rebuilding under the \$5 billion Metro Forward capital plan, that was his pronouncement. Four days later, unfortunately, the L'Enfant Plaza incident happened, which we had a loss of life and injured 91 people.

We need to know both today here from these witnesses and also in the future, we've got to be certain that things are heading in a different direction with this important system.

When you see headlines that show the staggering safety lapses on a regular basis—and I said to the staff: Just pull me some of the clips about some of these issues, the most recent. And then I said: Are there a lot of them? And I said: Well, tag them. You can see just page after page. Now, these are just Washington Post articles. I don't know why you guys didn't get the Times too, but this is just the Washington Post.

Do you get the Times, Gerry?

Mr. CONNOLLY. I don't.

Mr. MICA. Okay. I didn't think so.

But this is, again, an incredible array of headlines and articles that cite that the system is broken. We've had reports even that new, brand-new, rail cars are breaking down. And I heard one report that says this is 5 to 10,000 miles is a breakdown record of the new cars, an average of about 7,000 miles on a car, as opposed to 20,000 for the normal period in which a vehicle should not experience those problems. So we do have multiple problems.

I was stopped by an individual when I was getting a subway the other day, and he had some photos. And, actually, there's a photo and a video. But maybe they could put up the photo that he took of the workers.

Can we get that put up?

Okay. Well, you can count about 15 workers and about—well, 15 individuals employed by WMATA and about three people working in this scene. Actually, he also supplied me, we don't have it up there, a video showing a sort of time lapse that people are there but not working. And that raises a great question when the public is seeing this kind of operation with lots of people standing around and we've got some serious issues with even the folks that are there.

And I thank the current director for going in, and he has made good in some of his challenges. In fact, I think he's eliminated 20 senior manager positions and reduced some of the headcount by 1,000. But you could see there's still a long way to go with some of the people who are not performing. And I'm going to ask some questions too about contracting some of this work based on performance and payment. I understand the—also that the union contract is not up for some of these workers still in limbo. We'll hear on that. But there's got to be a better way to get better results and performance from those on the job.

I do want to thank, again, the new director for the reforms that he's initiated. Maybe we could re-term this hearing, Let's make Washington Metro great again. And that's something that we have a challenge and opportunity to do. We put an incredible amount of money into the system.

I googled last night the history of the system. And it's been around for 40 years. Started with 4.7 miles. And it really is one of the—it was created as one of the finest rapid transit systems in the world. And we should be very proud of this system. It serves the Nation's capital and this region. And it's a shame that we find ourselves in this particular situation.

So I continue to work in an unofficial capacity to make certain that happens. And hopefully this hearing will help us rebuild Metro and restore public confidence in an important transportation

system, the second largest carrier of commuters in the Nation, and important in the everyday life of people in this region and to the United States of America.

So I look forward to working with you all. And I can turn to Mr. Connolly. And I'm sure Mr. Connolly will be very warm and fuzzy this morning.

You're recognized.

Mr. CONNOLLY. Thank you, Mr. Chairman. Before I begin, I'd ask unanimous consent that my colleagues, Mr. Beyer, Mr. Delaney, and Mrs. Comstock, be allowed to participate in this hearing.

Mr. MICA. Reserving the right to object.

Just kidding, Gerry. Just kidding.

Without objection.

Mr. CONNOLLY. And if the clock can go back to 5, please, for me. That was a UC request. Thank you.

I appreciate this opportunity once again to discuss safety, service, and budget challenges faced by the Nation's transit system, WMATA. Each time this committee revisits this topic and exercises its Federal oversight prerogative with regard to Metro, we're reminded of the close relationship between the functionality of the Federal Government itself and the health of the Nation's capital transit system. It should come as no surprise that a congressional committee tasked with ensuring the efficiency of the Federal Government and the safety of its workforce has a vested interest in the success of that transit system that delivers more than one-third of the area's Federal workforce every day.

In March, when Metro announced that it would shut down for 24 hours to conduct emergency inspections, the first question on everyone's mind was how would the Federal Government's Office of Personnel Management accommodate that closure. Unlike any other transit system in the United States, this one is so dependent on the Federal workforce for its customer base. The Federal Government is the primary stakeholder in this transit system. And I look forward to working with my colleagues to ensure that Federal support for Metro is commensurate to its fundamental reliance on the system. As Federal stakeholders, I think our organizing principle should be the failure of Metro cannot be an option.

When this committee held a hearing on Metro in April, the system was in crisis. All lights were blinking red. The hearing and witness testimony enumerated the system's mounting crises in leadership, safety, customer confidence, and finance. It was clear that the situation required bold and immediate action and that the status quo for Metro was derailed to perdition.

The purpose of the hearing today is to examine whether Metro has stepped back from the precipice and whether and how the system can set a trajectory for safe, reliable, and sustainable operations.

Unfortunately, the leadership crisis at Metro has evolved rather than diminished. After going 10 months without a general manager, the Metro finally has somebody at the helm, and general manager Paul Wiedefeld has demonstrated that he understands that the problems plaguing Metro are systemic. One does not have to agree with every major decision he's made to appreciate the fact that thank God he's willing to make them.

He came to the position with desperately needed relevant experience, even though the board fought about what really was required and preferred a green eyeshade accountant to somebody with experience in operations. We were fortunate we didn't go down that road.

The enduring leadership crisis at Metro resides in the WMATA board of directors. Some board members seem bent on proving that the governing body is wholly incapable of resuscitating, much less managing, Metro. Threats to scrap a major expansion of Metro to Dulles International Airport pit jurisdiction against jurisdiction and fractured the true regionalism necessary for Metro's success.

And I assure you, Mr. Evans, it will have repercussions up here among your allies and your partners. It's destructive and not welcome.

I've spent the last 21 years of my life working on Metro-related issues, first as a member of the Fairfax County Board of Supervisors and then as chairman of Fairfax County for 5 years. I made appointments to the Metro board. I rezoned property around Metro stations to maximize their potential. I approved the local operating subsidy every year without question and helped create the local tax districts to fund construction of the new Silver Line with the full approval of Metro and Metro's board.

In Congress, I've worked diligently with my colleagues to save the \$150 million annual Federal commitment for safety improvements, which is matched by the Virginia localities and Maryland and D.C., and helped secure financing for the Silver Line working with then-Secretary Ray LaHood to both reduce costs and to secure funding for that Silver Line. So it's personally painful to witness members of the WMATA board so mismanage an institution this region has invested in and fall back on the very parochialism some condemned.

From a congressional perspective, threats to cancel major Federal investments, Federal investments, rampant parochialism, and political theater on that board destabilize efforts to secure and increase an appropriate level of Federal support up here. It's not like we have that many friends. And to fracture the support we've got jeopardizes everything you need in Capitol Hill.

General manager Wiedefeld deserves credit for taking the initiative within 6 months of becoming general manager to begin a sweeping program that will seek to carry out 3 years' worth of maintenance in 1 year. Leading up to the announcement of SafeTrack in May, fires, major track defects, and arcing incidents, including one that claimed the life of Carol Glover, had exposed dire maintenance situation in Metro.

While SafeTrack gives us something tangible to point to when assessing efforts to improve Metro safety, the safety problems at Metro go far beyond the replacement of high voltage cables and defective third rail insulators. I welcome the SafeTrack metrics from Metro that include the replacement of 26,000 cross ties and 10,000 fasteners since the beginning of the maintenance blitz.

However, this week, the National Transportation Safety Board released a report on the East Falls Church derailment in July. And it found, once again, that Metro track inspectors were not conducting inspections in accordance with written policy and respond-

ing to defects in realtime. Indeed, the NTSB found clear evidence that Metro safety inspectors deliberately falsified reports, endangering public safety once again.

In the report, NTSB reiterated its recommendation to the Department of Transportation, the Federal Department of Transportation, that FRA, not FTA, ought to have safety responsibility and oversight for Metro. The report stated, and I quote, "The FTA oversight model lacks minimum safety standards, expertise, and the resources to provide assurance that corrective action plans are completed," unquote. I've repeatedly shared my concern that the FTA does not have the tools necessary to provide robust oversight of Metro. And I think the derailment in East Falls Church is a case in point.

The customer confidence picture continues to worsen. Ridership is already down 13 percent in this fiscal year. SafeTrack has been disruptive to commuters, and pending proposals for increased fares and diminished service could only hasten the vicious downward spiral. I might add, loose talk about closing large sections of the system continue to contribute to the loss of consumer confidence and ridership confidence. Will it be there in the future? Apparently not.

As the general manager noted in his fiscal year 2018 proposed operating budget, the primary cause of Metro's current budget challenge, a \$290 million budget gap, is declining rail ridership, which has been on this downward trajectory since 2009. Fortunately, there's an effort from management to assert the primacy of safety in Metro culture and improve reliability that could go a long way to restoring faith in the system.

Going forward, staff reduction, service cuts, and fare increases are not going to bring about long-term stability. Metro is the only major transit system without a dedicated source of funding, and the system relies upon a patchwork of subsidies from local jurisdictions. Metro receives 47 percent of its operating budget from local and State subsidies, but not a Federal subsidy, and zero percent from a dedicated source of revenue. Zero percent.

In my hometown of Boston, our transit system sees those figures in reverse, with zero percent coming from local subsidies and 64 percent coming from a dedicated source of revenue. In my role as chairman of Fairfax in 2004, I helped launch the Blue Ribbon Panel on Metro that ultimately recommended a regional sales tax and called on the Federal Government to participate significantly in addressing the projected shortfall for capital maintenance and system enhancement.

There's clearly an appetite for Metro to meet certain safety and reliability metrics before new funding commitments are made. However, lamentations about performance will not solve Metro's problems if we continue to ignore the dysfunctionality of the Metro board, the culture of indifference that pervades the workforce, and the absence of stable revenue any transit system needs to operate.

I look forward to hearing from the witnesses today. And thank you for your indulgence, Mr. Chairman.

Mr. MICA. Thank you, Mr. Connolly.

Mr. Meadows.

Mr. MEADOWS. Thank you, Chairman Mica. And before I begin, Mr. Mica, I want to just recognize not only the outstanding service

that you have provided the great folks of Florida and the United States as a whole, but a personal friendship to me. As a new guy coming in that had no idea what went on behind the scenes or what went on out there, you took a young guy from North Carolina and actually invested in me in a way that, quite frankly, I'll never forget. You and Pat are dear friends.

It's been a difficult year. I want to let you know that I sincerely appreciate your friendship, your leadership, your investment, your love, and your compassion for the people that you serve. If they knew what I knew, that every day that you were worried about serving them more than serving yourself, I think that they would rise up with a statue. And I just want to say that I have a personal statue in my heart of a man that I appreciate so much. And you know in my district we're the only district in the United States with a place called Micaville. And so every time I go by, I will remember it. So let me—

Mr. MICA. Thank you.

Mr. MEADOWS. Let me go and turn to the business of today. And let's get serious. I could tell you when I have my good friend Gerry Connolly as upset as he is today, I take notice. We talked about this yesterday. We've talked about it multiple times. But what we have here is a systemic failure to address real problems that actually not only affect ridership and the financial stability, but the safety aspect of our inaction is causing great peril, loss of life. And, quite frankly, it can't be tolerated anymore. This is our fourth hearing. I'm tired of hearings. I'm tired of excuses. I'm tired of us going back and forth to look at these issues and say: Well, if you just give us a little bit more time, we'll get it fixed. WMATA is not a fine wine. It does not improve with time. What we must do is we must act today.

The gentlewoman from Virginia, Mrs. Comstock, she has called me a number of times saying that we have got to address this particular issue over and over and over again. And yet here we are with SafeTrack and learning that indeed as we start to embark on it—

And, Mr. Wiedefeld, I want to say thank you. You're making tough choices. You know, I can tell you it is not good for your career. Because every time that you make a tough choice, you have a critic that is out there that is wanting to suggest that you shouldn't be making that choice. But, quite frankly, we needed your kind of leadership years ago. This is a systemic problem that has to be addressed and it has to be addressed now.

Now, it will require difficult decisions. And as my good friend Mr. Connolly just pointed out, some of the decisions that are being contemplated by the board, Mr. Evans, are troubling. You and I know that we've had some personal meetings. And I'm willing to invest the political capital in a way that does not play well back in North Carolina. But I'm willing to do that to fix this system once and for all. But what I'm not willing to do is to ignore what has become a reoccurring theme.

Every time we get a new report, every time that we start to see something, we start to find out things that we should have known months and years ago. You know, to hear the report of falsified records is just mind blowing. It's just—you know, when you know

that we're going to have this kind of detail to look at it, it's mind blowing. And the death and injury of individuals fall at the responsibility of some of those very people who look the other way when we have issues that we have to address. And so we're going to fix this. We're going to fix this right away. And what we are going to make sure of, as we look at the track record, is that we make hard decisions.

And so, Mr. Jackson, I'm looking forward to hearing from you today. What are the hard decisions that you're willing to make as well? Because what we have here is we've got everybody pointing fingers at everybody else. They're saying: Well, it was not my job. Well, it's not my responsibility. Or if we just had a little bit more money, we could fix it. Let me just tell you. We do have a money problem, but this is not—the genesis of this problem is not money. The genesis of this problem is a culture that we have allowed to pervade and exist for a long time.

WMATA has become the butt of jokes. But let me tell you, it's not a joking matter. When you have people stuck on a track and they can't get ahold of an operator for 30 minutes, and then you start to unload them on to and get off on a track where you have an active possibility for electrocution, I mean, that's a real problem.

And, Mr. Wiedefeld, you and I have talked on a couple of occasions, and some of the other safety concerns that are out there, we need a little bit more transparency so I don't get surprised by reading about something in the Washington Post. And by doing that I understand that you're trying to evaluate. But the other part of that is from an oversight standpoint, if we're going to make investments for Federal dollars, we have got to make sure that there is a good plan in place to address these.

And so today, I'm looking forward to hearing from each one of you on how we can address that. Chairman Hart, you're here back to hopefully give us some marching orders. But it's not good enough if it's in a report and it doesn't get acted upon. It's not good enough that we fail to go and do what is necessary to do this.

So as we start to look at this, Mr. Chairman, I appreciate your leadership on this area. What you are going to find are two bulldogs in a bipartisan way with Mr. Connolly and I. We're not going to let this go. And it's not because I ride it. It's just the safety and health and welfare of the people of this greater Washington, D.C. metro area that is at stake. We've got to fix it.

And with that, Mr. Chairman, I'll yield back.

Mr. MICA. Well, thank you.

And I'll hold the record open for 5 legislative days for any member who'd like to submit a written statement. And recognize Mr. Connolly for a unanimous consent request.

Mr. CONNOLLY. Thank you, Mr. Chairman. I ask unanimous consent that the written statements from Democratic Whip Steny Hoyer and Senator-elect Chris Van Hollen be entered into the record.

Mr. MICA. Without objection, so ordered.

Mr. MICA. We'll now recognize our panel of witnesses. And I'm pleased to welcome to—this morning the Honorable Chris—Christopher Hart, chairman of the NTSB; Mr. Matthew Welbes, executive director of the Federal Transit Administration; Mr. Paul

Wiedefeld, who is the general manager of the Washington Metropolitan Area Transit Authority; Mr. Jack Evans, chairman of the Washington Metropolitan Transit Authority; and Mr. Raymond Jackson, second vice president of the Amalgamated Transit Union, Local 689. I'd like to welcome all of our witnesses.

This is an investigation and oversight committee hearing, and we do swear in all of our witnesses. So if you'll please rise. Raise your right hand.

Do you solemnly swear or affirm that the testimony you're about to give before this committee of Congress is the whole truth and nothing but the truth?

And the record will reflect that all witnesses have answered in the affirmative.

I think—well, maybe not everybody's been here, but we try to limit our testimony to 5 minutes. And if you have a request for additional information, data, or testimony to be added to the record, just request that through the chair. And your entire statement will be made part of the record.

So we'll start out this morning and recognize first Mr. Hart, chairman of the NTSB. Welcome back, sir. And you are recognized.

WITNESS STATEMENTS

STATEMENT OF CHRISTOPHER A. HART

Mr. HART. Thank you. And good morning, Chairman Mica, Chairman Meadows, Ranking Member Connolly, and members of the two subcommittees. Thank you for inviting me to testify today on behalf of the NTSB.

Chairman Mica, thank you for your years of service in Congress and all that you have done to advance transportation safety. I'd like to join all the accolades that you have already received this morning. I also appreciate Congress' continued attention to oversight of rail transit safety on WMATA's Metrorail system.

About 3 weeks ago, the NTSB announced its most wanted list of transportation safety improvements for 2017 and 2018, which again included improving rail transit safety oversight. The NTSB investigations of rail transit accidents involving WMATA continue to show that safety oversight of WMATA is unreliable, which increases the risk of further accidents, injuries, and loss of life. An effective independent oversight system must be created to ensure that the highest possible level of safety is afforded to WMATA's riders and employees.

Inadequate oversight of WMATA's Metrorail system is a persistent problem. In general, the NTSB investigations of WMATA have found that although safety program plans were in place, they were not effectively implemented or overseen. Oversight challenges regarding WMATA are particularly acute because of WMATA's unique oversight structure. Most transit properties involve one jurisdiction, and a few involve two, one of which typically takes oversight responsibility. WMATA is the only transit property in the United States that involves three jurisdictions: Maryland, Virginia, and the District of Columbia. Moreover, these three jurisdictions collectively share oversight responsibility. This constitutes a challenge seen by no other rail transit system in this country.

My written statement further details the history of rail transit safety oversight in general and of WMATA's 45 years of inadequate safety oversight. Despite efforts over the years to improve the FTA's rail transit safety oversight capabilities, the NTSB's investigation of the fatal electric arcing and smoke accident at L'Enfant Plaza on January 12, 2015 revealed a transit system with no effective safety oversight.

As a result of this investigation, the NTSB issued urgent safety recommendations to the Secretary of Transportation on September 30, 2015, to seek authority for the Federal Railroad Administration to exercise safety oversight over WMATA. Unlike the Federal Transit Administration, the Federal Railroad Administration has robust regulatory inspection and enforcement powers, allowing it to more quickly and more effectively address hazards and improve the overall safety of WMATA's rail operations.

The Secretary of Transportation instead tasked the Federal Transit Administration with direct safety oversight of Metrorail; the first such direct oversight that the FTA has ever exercised. The FTA has limited staff to carry out the function, has no regulations against which to measure compliance, and does not have the authority to levy civil or individual penalties in response to safety deficiencies.

The Department of Transportation furthermore envisioned a short-term FTA oversight rule—role, imposing a deadline of February 9, 2017 for WMATA's three jurisdictions to create an effective State oversight agency. Yet in the face of that, we've just learned that Maryland and Virginia have recently notified DOT that they will not meet this deadline. The NTSB remains concerned that Maryland, Virginia, and the District of Columbia will continue to encounter impediments. I want to stress again the difficulty in forming an oversight body that reports to three jurisdictions. There is still no known date by which such a body will be established.

In the meantime, we continue to investigate accidents that illustrate the need for immediate action. Yesterday, the NTSB issued an accident brief on the East Falls Church derailment that occurred on July 29, 2016, already referred to in this hearing. The probable cause of the accident was a wide track gauge condition resulting from the sustained use of deteriorating wooden cross ties due to WMATA's ineffective inspection and maintenance practices and inadequate safety oversight.

Of particular concern is that NTSB investigators learned that the defective track conditions that lead to the East Falls Church derailment had been previously identified by WMATA inspectors, yet were not properly remediated. NTSB investigators were also provided additional documentation from WMATA showing almost 17,000 open defects reported by WMATA track workers, some going back as far as October 2008, as already mentioned this morning, and these were still—are still waiting to be repaired.

This accident further illustrates why immediate action is required to address safety issues at WMATA. The NTSB remains convinced that with the history of accidents at WMATA, the FRA, Federal Railroad Administration, their more established oversight program is vital to increasing passenger safety.

Thank you for the opportunity to testify today. I look forward to responding to your questions.
[Prepared statement of Mr. Hart follows:]



NATIONAL TRANSPORTATION SAFETY BOARD

An Independent Federal agency

Testimony of the Honorable Christopher A. Hart
Chairman
National Transportation Safety Board
Before the
Subcommittee on Transportation and Public Assets and
Subcommittee on Government Operations
Committee on Oversight and Government Reform
United States House of Representatives
on
A Safe Track?: Oversight of WMATA's Safety and Maintenance
Washington, DC
December 2, 2016

Good morning Chairman Mica, Chairman Meadows, Ranking Member Duckworth, Ranking Member Connolly, and the Members of the Subcommittees. Thank you for inviting the National Transportation Safety Board (NTSB) to testify before you today.

The NTSB is an independent federal agency charged by Congress with investigating every civil aviation accident and significant incidents in the United States and significant accidents and incidents in other modes of transportation—rail, highway, marine and pipeline. The NTSB determines the probable cause of accidents and other transportation events and issues safety recommendations aimed at preventing future accidents. In addition, the NTSB carries out special studies concerning transportation safety, and coordinates the resources of the federal government and other organizations assisting victims and their family members who are impacted by major transportation disasters.

Since its inception, the NTSB has investigated more than 400 railroad accidents, including rail transit accidents. On call 24 hours a day, 365 days a year, NTSB investigators travel throughout the country and internationally to investigate significant accidents and develop factual records and safety recommendations with one aim—to help ensure that such accidents never happen again.

History of Oversight of WMATA

In order to discuss the current safety oversight challenges regarding the Washington Metropolitan Area Transit Authority (WMATA), it is important to understand the statutory history that has led to the current state. The Intermodal Surface Transportation Efficiency Act of 1991 established the State Safety Oversight (SSO) program; this program went into effect in 1997. Under this program, states are responsible for the safety of the rail fixed guideway systems within their borders. Each state is required to establish a state safety oversight agency (SSOA) that sets requirements for rail transit safety and monitors the performance of rail transit agencies in accordance with those requirements.

Since the establishment of the SSO program, the NTSB has investigated serious accidents involving WMATA and has identified inadequate oversight and regulation as a persistent problem. In general, the NTSB investigations of WMATA have found that, although safety program plans were in place, they were not effectively implemented or overseen. State oversight challenges regarding WMATA are particularly acute because WMATA is the only transit property in the United States that involves three jurisdictions—Maryland, Virginia, and the District of Columbia. Most transit properties involve one jurisdiction and a few involve two, but WMATA is the only one with three. After the NTSB investigated the 2009 accident near the Fort Totten Station, discussed later in this testimony, we called for increased regulatory oversight of rail transit properties and recommended that the U.S. Department of Transportation (DOT) seek legislative authority to provide safety oversight.

On July 17, 2012, President Obama signed into law the Moving Ahead for Progress in the 21st Century Act (MAP-21).¹ MAP-21 made a number of fundamental changes to the statutes that authorize the federal transit programs. Under the law, the Federal Transit Administration (FTA)

¹ Pub. L. 112-141.

must certify oversight agencies, and, once certified, an SSOA can receive federal grant funds. To gain certification, an SSOA must show the FTA that it is financially independent of the rail transit system it oversees, has adequate authority to oversee those systems, and has adequate resources to hire appropriate staff.

To comply with the MAP-21 SSO program requirement, the FTA published the SSO Program final rule, which took effect on April 15, 2016.² Among other things, the SSO rule gave the FTA the authority to review and approve each state's SSO program and take enforcement actions against those states with nonexistent or noncompliant safety oversight programs. In addition, it required each state to establish an SSO program and ensure that the SSOA is financially and legally independent from any rail transit agency it oversees, and meets a number of requirements intended to assure that its oversight is effective. Each state with federally funded rail transit properties must have an SSO program approved by the FTA administrator by April 15, 2019.

In 2013, the FTA notified the Tri-State Oversight Committee (TOC), the SSOA for WMATA, that it did not meet MAP-21 certification requirements. The FTA's concerns with the TOC focused on the TOC's lack of effectiveness as a legal organizational model for overseeing WMATA. In response, Governor McAuliffe (Virginia), then Governor O'Malley (Maryland), and then Mayor Gray (District of Columbia) wrote to the Secretary of Transportation to authorize what they described as an actionable step to establish an independent SSOA that would conform to MAP-21. In doing so, they proposed the Metro Safety Commission (MSC), an independent organization that would assume the responsibilities of the TOC. The letter offered no detail, but it referenced a White Paper, *Optimizing State Safety Oversight of the WMATA Metrorail System*, prepared by the three jurisdictions. The White Paper described the three jurisdictions' collective ideal SSO program for the oversight of WMATA and proposed actions necessary to achieve that ideal. However, it included no details about establishing legal authority in a way that overcomes the multijurisdictional problems faced by the current TOC. Finally, the authors admitted other challenges, such as resources; legislation at the local, state, and federal levels; and budgetary constraints of all three jurisdictions that may further limit progress in achieving an effective safety oversight program.

Maryland, Virginia, and the District of Columbia entered into a memorandum of understanding on February 25, 2016, which restated their commitment to establishing the MSC. However, legislation in all three jurisdictions is still needed to do so and Maryland and Virginia have formally notified DOT that they will not meet the February 9, 2017 deadline to establish a new SSOA, risking the withholding of \$15 million in federal funds through the Urbanized Area Formula Funding ("Section 5307") program from public transportation systems in the three jurisdictions.³ The NTSB remains concerned that Maryland, Virginia, and the District of Columbia will continue to encounter legislative impediments that will further delay the establishment of the MSC or other SSOA that would be able to effectively oversee the safety of WMATA.

Based on 45 years of inadequate safety oversight of the WMATA Metrorail system, the NTSB has concluded that neither the regulatory changes the FTA can make as a result of MAP-21 nor the proposed creation of the MSC would likely resolve the deficiencies identified in safety

² 81 FR 14230 (March 16, 2016); codified at 49 C.F.R. Part 674.

³ Martine Powers "Md. and Va. won't meet deadline for new Metro safety body. What happens now?" *The Washington Post*, November 26, 2016.

oversight of WMATA in a timely manner. Therefore, as a result of the investigation into the WMATA Metrorail smoke and arcing accident near L'Enfant Plaza Station on January 12, 2015, the NTSB issued urgent safety recommendations to the Secretary of Transportation on September 30, 2015. The NTSB makes urgent recommendations to address circumstances that create an imminent danger to the public. In this case, the NTSB recommended that the DOT seek an amendment to 45 U.S.C. § 1104(3) to list WMATA as a commuter authority, thus authorizing the Federal Railroad Administration (FRA) to exercise regulatory oversight of WMATA. The NTSB also recommended that the DOT direct the FRA administrator to develop and implement a plan to transition the oversight of WMATA to the FRA within six months.⁴ The NTSB recommended the change in oversight because the FRA has robust regulatory and enforcement powers, allowing it to more quickly and more effectively address hazards and improve the overall safety of WMATA's rail operations.

Investigations of WMATA Metrorail Accidents and Incidents

East Falls Church Derailment

Since 1982, the NTSB has investigated 14 accidents involving WMATA. Most recently, the NTSB has been investigating the July 29, 2016 derailment of Metrorail train 602 near Falls Church, Virginia. Metrorail train 602 derailed while traversing a crossover (that enables a train to transition from one track to a parallel track) in the East Falls Church interlocking, operating on the Silver Line. About 63 passengers were on board the six-car passenger train, all of whom were evacuated out of the lead car, assisted by the Metro Transit Police Department. Three passengers reported injuries, including one who was hospitalized.

The NTSB dispatched two investigators to the scene of the derailment to assess the accident and to determine if a broader investigation was necessary. Our investigators noted that the track gage measurement (distance between the two rails) near the point of derailment was nearly 2 inches wider than acceptable by WMATA standards. The design track gage is 56-1/4 to 56-1/2 inches. In track of similar construction to the accident area, WMATA requires that track gage in excess of 57-1/4 inches be removed from service, and train movement on the track is prohibited until the defect is corrected. Near the point of derailment, however, track gage measured 59 inches, yet the track remained in service.

The presence of deteriorated wooden crossties near the point of derailment caused the track gage to exceed the maximum WMATA standards. In the derailment area, the rail was fastened through tie plates to standard wooden crossties. NTSB investigators identified many defective crossties in the area of the derailment. WMATA track standards require there be no more than 120 inches between nondefective fasteners for tracks of similar construction; however, in this accident area, investigators noted over 400 inches of track with no effective rail fasteners because of deteriorated crossties.

WMATA has standards that address defective crossties; however, it was not apparent that the track structure in the accident area was consistently maintained to those standards. The FTA does not prescribe minimum track safety standards. The FTA's lack of minimum track standards is

⁴ R-15-031 and -032.

but one example of the need for the Secretary of Transportation to take immediate action to implement the NTSB's September 2015 urgent safety recommendation to transition the federal oversight of WMATA from the FTA to the FRA. Unlike the FTA, FRA's regulations contain safety standards.

The WMATA *Track Maintenance and Inspection Manual* requires "no fewer than seven nondefective rail fasteners within 40 feet," and requires that track with more than 120 inches between nondefective ties be removed from service. In a distance of 40 feet of track structure near the point of derailment, there were 18 crossties. Of those, 16 were not in compliance with WMATA standards or FRA track safety standards, resulting in about 400 inches of unsupported rail. The deteriorated crosstie condition allowed for a total track gage measurement of 59 inches. When track gage is too wide, the proper wheel-rail interface cannot be maintained and derailment is likely, as was the case in East Falls Church.

This week, the NTSB issued an accident brief setting forth the findings of our limited investigation of the East Falls Church derailment.⁵ We determined that the probable cause of the accident was a wide track gage condition resulting from the sustained use of deteriorating wooden crossties due to WMATA's ineffective inspection and maintenance practices and inadequate safety oversight.

On August 6, 2015, a similar accident occurred on the WMATA system. A nonrevenue employee train, WMATA Metrorail train 412, derailed on approach to the Smithsonian interlocking. Three of the six cars derailed; none of the derailed cars had reached the switch points of the interlocking. WMATA's investigation into the derailment revealed that on July 9, 2015, a WMATA track geometry vehicle inspected track measurements through the area where the train derailed. This inspection revealed a gage measurement of 58-1/16 inches at the area where train 412 derailed less than 1 month later. This gage exceeded WMATA's maximum gage standard. WMATA guidelines required immediately removing the track from service, based on the wide gage measurement, until repairs are completed. WMATA, however, continued to run revenue service trains over the track, with no reduction in speed or other mitigation action, for the 27 days between the discovery of the gage defect and the derailment on August 6, 2015.

The WMATA *Track Maintenance and Inspection Manual* also provides instruction for track maintenance and inspection procedures on the WMATA system. According to the manual, all main tracks and secondary tracks will be examined on foot by qualified track personnel twice each week with an interval of at least 1 calendar day between inspections. NTSB investigators reviewed transcripts of interviews with WMATA track inspectors and track supervisors and learned that WMATA only inspected some crossover switches, such as the one involved in the East Falls Church derailment, on a monthly basis, instead of twice-weekly as required. FRA regulations not only contain the same twice-weekly track inspection requirement, FRA inspectors routinely review track inspection records for compliance with FRA regulations and railroad rules and procedures. The FTA has no such regulations in place.

⁵ National Transportation Safety Board, *Derailed WMATA Metrorail Train in Interlocking, Falls Church, Virginia*, RAB-16-06 (Washington, DC: National Transportation Safety Board, 2016).

NTSB investigators reviewed WMATA's monthly switch inspection reports from January 2015 to July 2016. Investigators noted that all of the inspection reports for the crossover involved in the East Falls Church derailment documented a defective condition of "15 deteriorating ties...." NTSB investigators learned that the defective track conditions that led to the East Falls Church derailment had been previously identified by WMATA inspectors, yet were not properly remediated. Based on this documentation, NTSB investigators requested additional documents showing all reported defective track conditions that were awaiting approval. WMATA provided a report that showed a total of 16,828 open track defects, some going back to October 2008, that were still waiting to be repaired.

The recent East Falls church derailment caused by substandard track is another example of why immediate action is required to address safety issues at WMATA. FRA track safety standards are part of a more established inspection, oversight, and enforcement program, and the NTSB remains convinced that with the history of accidents at WMATA, the FRA's mature regulatory program is vital to increasing passenger safety.

L'Enfant Plaza Station Electrical Arcing and Smoke Accident

On January 12, 2015, WMATA train 302 stopped after encountering heavy smoke while traveling southbound in a tunnel between the L'Enfant Plaza Station and the Potomac River Bridge in Washington, DC. About 380 passengers were aboard the six-car passenger train at the time of the accident. Some passengers self-evacuated from the train, while emergency responders assisted others. The smoke originated from an electrical arcing event near the third rail about 1,900 feet south of the L'Enfant Plaza Station. Smoke filled the L'Enfant Plaza Station, which was evacuated. The train was stopped at 3:15 p.m. and all passengers were evacuated to safety by 4:27 p.m. As a result of the accident, one passenger died and 91 people were injured—including passengers, emergency responders, and WMATA employees.

To gather additional factual information in support of the NTSB's L'Enfant Plaza Station accident investigation, we convened a two-day investigative hearing in June 2015. The hearing examined four broad issue areas: the state of WMATA's infrastructure, emergency response efforts, WMATA's organizational culture, and the FTA's and the TOC's efforts to address public transportation safety. Witnesses from various parties involved provided important first-hand insight on what happened and addressed larger questions raised by the accident. Additionally, the NTSB brought in representatives from Montgomery County Fire and Rescue Services, Metro-North Railroad, and the United Kingdom's Office of Rail Regulation to share their relevant experience in preventing and responding to accidents.

On March 14, 2016, WMATA informed the NTSB of an arcing event early that morning at the McPherson Square Station in downtown Washington, D.C. The NTSB was invited to view some of the damaged electrical components. NTSB staff observed surveillance video of the McPherson Square Station platform, photographs of the incident location, and components that had been removed from the incident location. We observed that the damage to the third rail electrical components was similar to that of the L'Enfant Plaza Station accident. One cable connector assembly and portions of the cables, as well as a portion of the third rail cover board, had been vaporized. Surveillance video showing smoke filling the McPherson Square Station was also similar

to what occurred on the L'Enfant Plaza Station platform. However, it is not clear what caused the arcing event at the McPherson Square Station.

On May 3, 2016, the NTSB adopted the final accident report regarding the arcing and smoke accident near L'Enfant Plaza and determined that the probable cause of the accident was a prolonged short circuit that resulted from WMATA's ineffective inspection and maintenance practices.⁶ The ineffective practices persisted as the result of (1) the failure of WMATA senior management to proactively assess and mitigate foreseeable safety risks, and (2) the inadequate safety oversight by the TOC and the FTA. Contributing to the accident were WMATA's failure to follow established procedures and the District of Columbia Fire and Emergency Medical Services Department's lack of preparedness to respond to a mass casualty event on the WMATA underground system.

The report cited safety vulnerabilities throughout the WMATA system, including infrastructure maintenance, tunnel ventilation, railcar ventilation, responses to reports of smoke, and management deficiencies. Our findings also illustrated WMATA's continued inability to apply the information gained since 1982 through accidents previously investigated by the NTSB, eight of which involved fatalities. WMATA failed to learn safety lessons from the NTSB's prior studies and accident investigation reports.

As a result of its investigation of the L'Enfant Plaza accident, the NTSB issued 31 new safety recommendations, including 24 to WMATA, 2 to the FTA, 1 to the mayor of the District of Columbia, 3 to the District of Columbia Office of Unified Communications, and 1 to the District of Columbia Fire and Emergency Medical Services Department. These safety recommendations supplemented the urgent safety recommendations we issued in the immediate aftermath of the accident concerning FRA oversight.

The 24 new safety recommendations to WMATA encompassed a broad range of measures including: review and revise WMATA tunnel inspection, maintenance, and repair procedures to mitigate water intrusion into tunnels; improve the capacity of tunnel ventilation fans to conform to the requirements of National Fire Protection Association Standard 130; develop location-specific emergency ventilation configurations based on engineering studies; develop and implement procedures for actions to be taken by Rail Operations Control Center personnel when smoke detectors alarm; develop procedures for regular testing of all smoke detectors; and others.⁷ WMATA provided an initial response on August 18, 2016 indicating its progress toward implementing many of the recommendations.

In addition, the NTSB recommended that the FTA issue regulatory standards for tunnel infrastructure inspection, maintenance, and repair, incorporating applicable industry consensus standards into those standards; and that the FTA issue regulatory safety standards for emergency

⁶ National Transportation Safety Board *Washington Metropolitan Area Transit Authority L'Enfant Plaza Station Electrical Arcing and Smoke Accident, Washington, D.C. on January 12, 2015*, RAR-16-01 (Washington, DC: National Transportation Safety Board, 2016).

⁷ R-16-008 through -031, May 23, 2016.

egress from tunnels.⁸ On May 17, 2016, the FTA published a Federal Register notice soliciting public comment on the FTA's compendium of transit safety standards and protocols.⁹ The FTA stated its intent to publish findings, including recommendations to revise applicable existing standards, and to issue new standards as needed. The NTSB has classified the new safety recommendations to FTA as "Open—Acceptable Response" pending our review of the FTA's revisions to existing standards and the creation of new standards where needed.

Other Significant WMATA Metrorail Accident Investigations

Of the 14 accidents involving WMATA that the NTSB has investigated since 1982, more than half occurred between 2006-2014. In addition, since 1970, the NTSB has issued 101 safety recommendations to WMATA.

The deadliest accident occurred on June 22, 2009, on aboveground track on the Metrorail Red Line near the Fort Totten Station in Washington, D.C. The lead car of train 112 struck the rear car of train 214. This resulted in a loss of occupant survival space in the lead car of train 112 of about 63 feet (about 84 percent of its total length). Nine people aboard train 112, including the train operator, were killed. Emergency response agencies reported transporting 52 people to local hospitals.¹⁰ The NTSB determined that the ineffective safety oversight by the WMATA Board of Directors, the TOC's ineffective oversight and lack of safety oversight authority, and the FTA's lack of statutory authority to provide federal safety oversight were contributing factors in the accident. As a result of this investigation, the NTSB issued 16 safety recommendations to WMATA.¹¹

Other significant WMATA Metrorail accidents investigated by the NTSB include:

- **November 29, 2009:** Rear-end collision of two Metrorail trains at the West Falls Church, VA, rail yard, resulting in injuries to three Metrorail employees and an estimated \$9 million in damage to train equipment.¹²
- **January 7, 2007:** Derailment of a Metrorail train near the Mt. Vernon Square Station, Washington, DC, resulting in 23 passengers being transported to hospitals and an estimated \$3.8 million in property damages.¹³

⁸ R-16-001 and -002, May 23, 2016.

⁹ 81 FR 30605 (May 17, 2016).

¹⁰ National Transportation Safety Board *Collision of Two Washington Metropolitan Area Transit Authority Metrorail Trains Near Fort Totten Station, Washington, D.C. on June 22, 2009*, RAR-10-02 (Washington, DC: National Transportation Safety Board, 2010).

¹¹ R-10-007 through -022, August 10, 2007.

¹² National Transportation Safety Board, *Washington Metropolitan Area Transit Authority Rear-end Collision*, RAB-12/04 (Washington, DC: National Transportation Safety Board, 2012).

¹³ National Transportation Safety Board, *Derailment of Washington Metropolitan Area Transit Authority Train near the Mt. Vernon Square Station, Washington, D.C. on January 7, 2007*, RAR-07-03 (Washington, DC: National Transportation Board, 2007).

- **November 3, 2004:** Collision of two Metrorail trains at the Woodley Park Zoo-Adams Morgan Station, Washington, DC, resulting in about 20 persons being transported to hospitals for treatment and an estimated \$3.5 million in property damage.¹⁴
- **January 13, 1982:** Derailment of a Metrorail train at Smithsonian Interlocking, Washington, DC, resulting in three fatalities, 25 injured people, and an estimated \$1.3 million in property damage.¹⁵

While some progress has been made on the safety recommendations stemming from the Fort Totten and earlier investigations, the L'Enfant Plaza Station accident, the electrical arcing incidents at the Court House and McPherson Square Stations, and the recent East Falls Church derailment show that more needs to be done.

NTSB Urgent Recommendations to WMATA and FTA After the L'Enfant Plaza Accident

Soon after initiating the investigation into the L'Enfant Plaza Station accident, the NTSB identified concerns with the ventilation systems that required immediate action. On February 11, 2015, we made three urgent safety recommendations to WMATA.¹⁶ These urgent recommendations called on WMATA to: (1) assess the subway tunnel ventilation system, verifying that it is in good repair; (2) develop and implement detailed written ventilation procedures for its operation control center; and (3) base these procedures on the most effective strategy for fan direction and activation to limit passengers' exposure to smoke. In addition, we urged WMATA to incorporate these procedures into its ongoing training and exercise programs.

In response to the urgent safety recommendations, WMATA has informed the NTSB that it has completed the following actions: conducted a field assessment of the Metrorail system's Vane Axial ventilation fans and verified that they have no deficiencies, are operable, and are in a state of good repair; procured the services of a technical services firm to update WMATA's emergency standard operating procedures for fire and life safety processes in tunnels and underground stations and to develop a formal report for NTSB review; and is drafting an employee training program to implement the updated procedures. Therefore, we have reclassified the urgent safety recommendation concerning the subway tunnel ventilation system as "Closed—Acceptable Action" and the remaining urgent recommendations as "Open—Acceptable Response."

In a companion urgent safety recommendation issued on February 11, 2015, we also urged the FTA to audit all rail transit properties with underground rail operations to assess their ventilation

¹⁴ National Transportation Safety Board, *Collision Between Two Washington Metropolitan Area Transit Authority Trains at the Woodley Park-Zoo/Adams Morgan Station in Washington, D.C. on November 3, 2004*, RAR-06-01 (Washington, DC: National Transportation Safety Board, 2006).

¹⁵ National Transportation Safety Board, *Derailment of Washington Metropolitan Area Transit Authority Train No. 410 at Smithsonian Interlocking on January 13, 1982*, RAR-82-6 (Washington, DC: National Transportation Safety Board, 1982).

¹⁶ R-15-008 through -010, February 11, 2015.

systems.¹⁷ In response to this recommendation, the FTA directed all SSOAs with jurisdiction over the 25 rail transit agencies with subway tunnels to conduct audits to assess and inspect tunnel ventilation systems and related issues. We have also classified this urgent safety recommendation as “Open—Acceptable Response.”

The NTSB issued an additional safety recommendation to WMATA on June 8, 2015, addressing problems with the electrical connections in the Metrorail system.¹⁸ The NTSB asked WMATA to inspect the cable connector assemblies and ensure that they are in accordance with WMATA’s specifications, which includes the sealing sleeves. WMATA has reported that as of June 30, 2016, 71% of the 8,347 total power cable connector assemblies have been retrofitted. The NTSB is aware that this is a major undertaking, and that the work is being conducted during midday, night, and weekend hours. We will continue to closely monitor WMATA’s progress in implementing this recommendation, which has been reclassified as “Open—Acceptable Response.”

Status of NTSB Urgent Recommendations to DOT Concerning WMATA Oversight

The Secretary of Transportation responded to the NTSB’s urgent safety recommendations regarding the change in WMATA oversight from FTA to FRA on October 9, 2015, acknowledging that the TOC lacked sufficient resources, technical capacity, and enforcement authority to provide the level of oversight needed to ensure safety at WMATA. However, the Secretary disagreed with the NTSB recommendation to transfer safety oversight of the WMATA rail system to the FRA, citing the enhanced authority of the SSOAs and the authority in MAP-21 for the FTA to assume the safety oversight in the absence of an effective SSOA. In a letter to the NTSB dated May 3, 2016, the Secretary further described FTA’s oversight of WMATA.

The NTSB remains concerned that, while the Secretary of Transportation tasked the FTA with assuming the authority of the SSOA, the FTA has very limited ability to oversee WMATA effectively. Having only acquired safety oversight authority and responsibility in 2012, from MAP-21, the FTA has no prior experience in direct safety oversight or as an SSOA, has limited staff to carry out the function, has no regulations against which to measure compliance, and does not have the authority to levy civil or individual penalties in response to safety deficiencies. The NTSB understands that legislation enabling the creation of a fully functional SSOA for WMATA may be a lengthy process, and the FTA’s temporary SSOA authority will likely exist longer than anticipated. Thus, the urgent safety recommendations remain classified “Open—Unacceptable Response.”

The NTSB is not alone in its concern about the ability of the FTA to conduct oversight activities effectively. On November 2, 2016, the DOT Office of the Inspector General issued its audit report of the FTA’s safety oversight program and assumption of WMATA rail safety oversight.¹⁹ The report concluded:

¹⁷ R-15-007.

¹⁸ R-15-025.

¹⁹ DOT Office of Inspector General, *Audit Report: Improvements in FTA’s Safety Oversight Policies and Procedures Could Strengthen Program Implementation and Address Persistent Challenges* (Washington, DC: DOT Office of Inspector General, 2016).

While rail transit is relatively safe, catastrophic incidents, such as the January 2015 WMATA incident, raise significant concerns about the effectiveness of rail transit safety oversight. FTA has taken steps to begin developing policies and procedures to assume and relinquish direct safety oversight, but lacks firm milestones for completion. Moreover, slow progress in implementing a data-driven, risk-based oversight system; limited safety performance criteria; and unenforceable safety standards further hinder the Agency's ability to provide proactive safety oversight. Unless FTA addresses these challenges, it may be unable to meet the Federal transit safety goals and objectives that are central to its enhanced safety oversight authority.

Although the Fixing America's Surface Transportation Act,²⁰ enacted in 2015, granted additional authority to the FTA, including the authority to exercise direct safety oversight of rail transit agencies when necessary to correct safety deficiencies and withhold not more than 25 percent of the Section 5307 program funds from recipients for noncompliance with safety regulations, we do not believe that these additional authorities address the concerns that we highlighted in our urgent safety recommendations. There are many uncertainties associated with the proposed the FTA approach to WMATA oversight. DOT implementation of our urgent safety recommendations that WMATA be ruled a commuter authority and that the FRA assume oversight responsibility for WMATA rail transit would eliminate these uncertainties much sooner because the FRA is an experienced regulatory safety oversight agency. The NTSB believes that the FRA is best positioned to oversee WMATA Metrorail, but the DOT, nevertheless, continues to move forward with FTA oversight. The NTSB will monitor the efficacy of this decision and continue to champion consistently strong oversight for all rail transit agencies.

Conclusion

The NTSB's annual Most Wanted List highlights safety-critical actions that the DOT, other federal entities, states, and organizations need to take to help prevent accidents and save lives. On November 14, 2016, the NTSB announced its Most Wanted List of transportation safety improvements for 2017-2018. The NTSB's investigation of accidents involving WMATA continue to illustrate that rail transit accidents cause injuries and deaths, and yet oversight of rail transit is unreliable in some cases, increasing safety risks. An effective, independent oversight system must be created to ensure that the highest possible level of safety is afforded to the American public. Therefore, the NTSB has carried-over "Improve Rail Transit Safety Oversight" from the 2016 to the 2017-2018 Most Wanted List.²¹

Thank you for the opportunity to testify before you today. I look forward to responding to your questions.

²⁰ Pub. L. 114-94.

²¹ National Transportation Safety Board, *2017-2018 Most Wanted List: Improve Rail Transit Safety Oversight*.

Mr. MICA. I recognize now the FTA administrator. Welcome, sir, and you're recognized.

STATEMENT OF MATTHEW WELBES

Mr. WELBES. Chairmen Mica and Meadows, Ranking Member Connolly, and members of the committee, thank you for inviting me to provide an update on FTA's oversight of the Washington Metropolitan Transit Authority.

And, Chairman Mica, thank you for your support building public transportation and our work together on SunRail over the years.

Safety remains the top priority for FTA and the United States Department of Transportation. And with that in mind, FTA has used the authority granted to us by Congress to ensure safety improvements among FTA grantees, including Metrorail. At this time, significant work remains to bring Metrorail into a state of good repair, to build a strong safety culture, and to improve the agency's financial outlook. Years of underinvestment and deferred maintenance have contributed to Metrorail's deterioration. And it's because of this deterioration that Metrorail's daily passengers have not received the safe reliable service they should expect.

Recently, FTA has observed important steps by WMATA leadership prioritizing safety over revenue service. But establishing and ensuring an enduring safety culture remains a critical task.

WMATA received over \$450 million from FTA in fiscal year 2016. And FTA's ensured that these capital dollars are prioritized for improving safety, infrastructure, and reliability. In some instances, FTA has used this authority to redirect Federal funding to states in a state of good repair priorities.

During 2016, FTA conducted investigations into Metrorail track integrity, stop signal overruns, and vehicle securement that led to specific corrective actions that WMATA must complete. There are results from FTA's work. For the first time since 2012, all rail traffic controllers in WMATA's rail operations control center have completed required annual certifications, and approximately 2,000 employees who had expired roadway worker protection program certifications are now retrained and certified.

In addition, while FTA is not in charge of the day-to-day work of SafeTrack, FTA directives guided WMATA's prioritization of SafeTrack work to locations where the most urgent repairs were required to reduce the risk of smoke and fire events. As a result, WMATA corrected numerous instances of degraded fire and life safety equipment in tunnels that affect emergency passenger evacuations.

In addition to investigations, FTA has conducted both announced and unannounced inspections and leads accident investigations as warranted. FTA conducted more than 300 inspections during the past year. We've identified more than 900 remedial actions. And to date, WMATA has addressed two-thirds of those. During our inspections, FTA has identified operating practices and track conditions that led to immediate orders for slow zones or track segment closures protecting passengers and workers from unsafe conditions, and much more progress is required.

It is important to note Secretary Foxx has made clear that FTA's role is temporary based on the Federal statutory framework. Our

work will continue until Virginia, Maryland, and the District of Columbia establish a new State safety oversight agency as required under Federal law. The three jurisdictions are required to receive certification of a new State safety oversight program no later than February 9, 2017, and failure to meet this deadline could result in the withholding of up to \$15 million in Federal transit funding from 22 communities in Maryland and Virginia outside of the Washington, D.C. region.

In conclusion, FTA provides robust direct safety oversight of Metrorail that is making a difference. Based on our unique knowledge of transit agencies throughout the U.S., we are supporting and guiding the critical steps needed to improve WMATA infrastructure, safety culture, and operations, while ensuring that the jurisdictions step forward and take responsibility for their statutory role.

The WMATA bus and rail system is vital to our Nation's capital region, the economy, and the millions of people who rely on it, including me. There is more work ahead that must occur at WMATA to make it safer and more reliable.

I thank you for this opportunity to discuss FTA's direct safety oversight of Metrorail, and I look forward to answering questions.

[Prepared statement of Mr. Welbes follows:]

**STATEMENT OF MATTHEW WELBES
EXECUTIVE DIRECTOR
FEDERAL TRANSIT ADMINISTRATION
U.S. DEPARTMENT OF TRANSPORTATION**

**BEFORE THE U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
SUBCOMMITTEES ON TRANSPORTATION & PUBLIC ASSETS AND
GOVERNMENT OPERATIONS**

Oversight of the Washington Metropolitan Area Transit Authority

December 2, 2016

Chairmen Mica and Meadows, Ranking Members Duckworth and Connolly, and Members of the Committee, thank you for inviting me to appear before you today to provide an update on Safe Track and the state of safety on the Washington Metropolitan Area Transit Authority (WMATA) Metrorail system from the perspective of the Federal Transit Administration (FTA).

Safety remains the top priority of FTA and the United States Department of Transportation (DOT). In MAP-21 and the FAST Act, Congress charged the FTA with making the safest mode of transportation even safer by creating a national safety framework, strengthening state safety oversight, and requiring agency-level safety plans to identify and mitigate risks. Last year with the FAST Act, Congress also provided FTA with additional tools to enforce transit safety, including withholding Federal funding, halting unsafe operations, and assuming safety oversight when a state safety oversight agency is deemed ineffective. FTA has made great progress in setting the foundation of the public transportation safety program through rulemakings, directives, advisories, and technical assistance, using the authorities granted us by the Congress.

Secretary Foxx directed FTA to assume temporary direct safety oversight of WMATA Metrorail from the Tri-State Oversight Committee (TOC) in October 2015 to fulfill an immediate short-term need in light of serious incidents and safety lapses at WMATA, and the shortcomings of the TOC's oversight and enforcement authority. In accordance with new authority granted to FTA by the FAST Act, FTA is requiring the establishment of an effective permanent State Safety Oversight program for WMATA Metrorail by the three host jurisdictions, Maryland, Virginia, and the District of Columbia, no later than February 9, 2017.

Importantly, in this oversight role, FTA does not direct operational decisions at WMATA. FTA can and does direct Federal funding to safety critical items, and it has the authority to halt an unsafe practice or operation. While FTA has seen improvements in many areas at WMATA since we last met in April 2016, significant work remains to bring the Metrorail system into a state of good repair, develop and improve WMATA's safety culture, and improve WMATA's financial outlook.

FTA's Financial and Program Oversight of WMATA

Nationwide, the transit industry faces more than an \$86 billion backlog in deferred maintenance

needs, and with current investment levels, the backlog is estimated to grow at \$2.5 billion every year. More than \$50 billion of the backlog can be attributed to the large, older systems in our nation's largest metropolitan centers, including the District of Columbia and its surrounding areas. This transportation infrastructure backlog can be reduced only with increased investment at all levels of government.

Years of deferred repairs and underinvestment in maintenance have led to a deterioration of public transit systems like WMATA. With a system that is not in a state of good repair, transit service becomes unreliable due to frequent breakdowns and emergency repairs, on top of the need to catch up on extensive deferred maintenance. Moreover, for many years, WMATA's prioritization of revenue service operations limited the amount of track access that maintenance crews have had to work on the Metrorail system.

Recently, FTA has seen significant steps in WMATA leadership and staff prioritizing safety over revenue service. Though WMATA has made important strides in improving safety, it remains a long and difficult task ahead to instill the strong safety culture required for true and lasting change.

In Fiscal Year (FY) 2016, WMATA received more than \$450 million from FTA. Most of the annual Federal support provided comes from transit formula funds and grant awards. In addition, as authorized in the Passenger Rail Investment and Improvement Act of 2008 (PRIIA), the Federal government contributes \$150 million per year to WMATA, matched by \$150 million from the three jurisdictions served by WMATA. This investment is intended to support the capital and preventive maintenance needs of WMATA, and in recent years Congress has required – and FTA has ensured – that the dollars are spent solely on improving infrastructure, safety, and reliability. The financial aid from PRIIA will end after FY 2018 unless renewed by Congress.

In February 2016, WMATA submitted its Capital Investment Plan to FTA for its 2017 fiscal year that began July 1, 2016. FTA conducted a thorough review of proposed and pending WMATA grant applications to ensure that the \$450 million in Federal funding is being directed to projects that support corrective actions arising from FTA's 2015 Safety Management Inspection of WMATA, safety recommendations to WMATA from the National Transportation Safety Board (NTSB), and other key infrastructure improvements. Further, FTA redirected \$20 million in Federal funding WMATA had intended to spend on non-safety related projects to projects that are supporting the SafeTrack program. On December 1, 2016 WMATA introduced its Capital Investment Plan to the Board for the 2018 fiscal year, and FTA will work with WMATA to evaluate it and make adjustments, if necessary.

Following a Financial Management Oversight review in 2014 that found significant flaws, FTA placed WMATA on restricted drawdown status, where it remains today. Under restricted drawdown status, invoices and related financial documentation must be verified by FTA before Federal funds are reimbursed to WMATA. This process adds about thirty days to the typical grant reimbursement processing time, but it fulfills FTA's fiduciary responsibility to ensure that Federal funds are spent only on eligible activities. FTA has reimbursed \$1.23 billion out of the \$1.29 billion that WMATA has submitted for reimbursement since it has been in restricted drawdown status.

WMATA introduced a new financial management software system in July 2016 and during this past summer FTA and WMATA completed an initial test of the agency's financial management systems, as part of a schedule established in 2015. Additional testing and validation of transactions from recent months has been required and that review is underway now. While WMATA has made progress improving its financial management, results from the recent testing will inform whether the drawdown restrictions can be altered.

FTA's Safety Oversight of WMATA

Over the last decade, WMATA has experienced several serious accidents on the Metrorail system, resulting in injury and death of WMATA passengers and workers. In two of the more serious accidents (Fort Totten and L'Enfant Plaza) nine passengers and one worker were killed, and more than 140 persons were injured. WMATA also has lost eight workers in six collisions with trains and equipment on the rail transit right-of-way. Most recently, WMATA has experienced a spate of safety incidents affecting passenger and worker safety, as well as the quality and reliability of its transit service.

FTA is exercising its authority and using enforcement tools provided by Congress to ensure WMATA is addressing systemic safety deficiencies and building a strong safety culture. Since 2015, FTA has published multiple reports identifying systemic safety problems at WMATA. Each report has produced a Safety Directive with a set of required corrective actions. Following the issuance of a directive, WMATA develops a Corrective Action Plan (CAP), which is then reviewed and approved by FTA's WMATA Safety Oversight Office. The CAP includes an estimated completion date from WMATA for each action item.

In June 2015, FTA released its Safety Management Inspection (SMI) Report, which identified numerous organizational deficiencies and operational concerns that significantly limit WMATA's ability to recognize and resolve safety issues for both Metrorail and Metrobus. The SMI set forth 54 findings of safety deficiencies and 91 required corrective actions. Subsequently, FTA issued three additional reports of special investigations into particular aspects of the Metrorail system: the *Track Integrity* Investigation Report, with 12 required actions; the *Stop Signal Overrun* Report, with 11 required actions; and the *Vehicle Securement* Report, with six required actions. FTA plans to issue a report and Safety Directive addressing WMATA's *Traction Power* system later this month. In total, FTA has issued seven directives to WMATA (15-1, 16-1, 16-2, 16-3, 16-4, 16-5, & 16-6) that entail 251 required actions.

A few examples of FTA-identified safety findings where WMATA has made improvements include the Rail Operations Control Center (ROCC) where, for the first time since 2012, all rail traffic controllers have completed their annual certifications, and the Roadway Worker Protection (RWP) program, where nearly 2,000 employees with expired RWP Safety Training cards have been retrained and certified. In addition, FTA has worked with WMATA to ensure SafeTrack plans prioritize track locations where urgent repairs are most required to reduce the risk of smoke and fire events. As a result, WMATA has corrected numerous instances of degraded fire and life safety equipment in tunnels that affect emergency passenger evacuations.

In addition to verifying and tracking work pursuant to the CAPs, FTA and WMATA have put in

place a system of notification within two hours after an incident takes place, so that FTA inspectors and investigators may launch to the scene if warranted. FTA and WMATA leadership have weekly meetings to discuss progress, impediments, and any new developments related to safety.

WMATA has conducted multiple safety stand-downs, one required by FTA and others voluntarily. Under a safety stand-down, employees take time to refocus on prioritizing safety at all times, and reviewing and recommitting to established safety procedures and protocols. WMATA must continue to prioritize safety over service, and commit to providing customers and workers with the assurance that their safety is the first priority.

Inspections & Safe Track

FTA is conducting on-the-ground inspections of WMATA, both announced and un-announced, leading accident investigations as warranted, and working to close out open accident investigation reports, many of them taken over from the TOC, as well as those begun since FTA assumed safety oversight responsibilities.

During inspections, FTA inspectors and investigators examine track conditions, rules compliance and communications in the ROCC, traction power system components and maintenance, automatic train control system, vehicle and system maintenance, operations and safety protocols, track access procedures, and red signal overruns. FTA's inspectors also verify WMATA's performance of specific maintenance activities, such as track inspection, tie and fastener replacement, and insulator replacement, as they occur, to provide another mechanism to ensure follow through on identifying and then correcting issues as they arise.

FTA has conducted more than 300 inspections since October 2015, identifying more than 1,350 defects and directing more than 900 remedial actions. These are separate actions that WMATA must take, apart from those required by the Corrective Action Plan following a Safety Directive. To date, WMATA has addressed two-thirds of these remedial actions.

Specific to WMATA's SafeTrack work, FTA has conducted more than 50 inspections [number provided is through Surge 7, but FTA inspections continue with each surge]. Prior to each new surge, FTA track inspectors conduct a pre-surge inspection to assess the surge-area conditions, then inspect and verify ongoing surge work, and finally, conduct a post-surge inspection in order to evaluate the work completed.

Initiated by WMATA, SafeTrack is an important mitigation project that includes safety-critical repairs to segments of track that are in most need of overhaul. While these track repairs are necessary and long overdue, it is just one piece of the much larger WMATA safety puzzle. Once repairs are made they must be sustained with a long-term preventative maintenance plan as well as a strong safety culture or else WMATA will fall right back to an unacceptable condition. FTA identified track access for inspection and maintenance units in its June 2015 SMI Report as a critical issue for WMATA to address. WMATA must do more to impart and insist on a robust safety culture at all levels of the organization to prioritize safety in all decision making.

Finally, FTA has made a significant effort to keep the public and Congress updated on all of its

WMATA oversight activities by maintaining a regularly updated dashboard on the FTA website of Safety Directives, Reports, Correspondence and other relevant information.

Creating a Capable State Safety Oversight Agency for WMATA

As Secretary Foxx has made clear, FTA's direct safety oversight role is temporary and will continue only until Virginia, Maryland, and the District of Columbia set up a new State Safety Oversight Agency (SSOA) that is fully functioning, and compliant with Federal requirements.

On February 8, 2016, FTA informed the District of Columbia, Virginia, and Maryland that they must receive FTA certification of a new State Safety Oversight (SSO) program – which includes creation of a new SSOA compliant with Federal requirements – within one year from the issuance of the letter (no later than February 9, 2017). Pursuant to Federal public transportation law [49 U.S.C. § 5329(e)(8)(C)], failure to do so could result in FTA withholding Urbanized Area [Section 5307] formula funds and/or taking other necessary and appropriate action. If FTA exercises this enforcement authority, up to \$15 million could be withheld in Federal transit funding meant not only for the Nation's Capital Region, but also for other communities in Maryland and Virginia outside of the D.C. Metro Region.

More than six years ago, in April 2010, the three jurisdictions recognized the need to replace the TOC, saying it did not effectively respond to critical Metrorail safety oversight issues. Maryland, Virginia, and the District of Columbia entered into a Memorandum of Understanding (MOU) on February 25, 2016, which re-stated the commitment to establishing the Metrorail Safety Commission (MSC), but the jurisdictions need to agree and take action on legislation to create the MSC. FTA will continue to provide any necessary technical assistance. The D.C. City Council is expected to act on the legislation in December 2016. The Maryland and Virginia legislatures are expected to act on the legislation in their respective legislative sessions next year.

FTA will continue to provide effective safety oversight until the new SSOA is capable of performing its oversight responsibilities. When a new SSOA has been created, funded, and staffed, DOT and FTA will work with the new organization's leadership and the three jurisdictions to ensure a successful safety oversight transition. FTA is committed to working with WMATA and the new agency to ensure a safer, more reliable ride for WMATA customers throughout the National Capital Region.

Conclusion

While FTA neither runs nor operates the WMATA Metrorail system, we are providing robust direct safety oversight to guide and examine WMATA's work towards improving its infrastructure, safety culture, and operations. WMATA has made improvements and is working to implement needed safety changes. FTA continues to closely monitor that WMATA's Federal funds are tied to safety priorities and improving a state of good repair for WMATA facilities and equipment.

The WMATA Metrorail system delivers tremendous benefits to the Washington, D.C. region and is vital to the area's residents, workers, and visitors. All users of Metrorail deserve a reliable and safe system and FTA will continue to provide effective safety oversight and help WMATA build

on the improvements made in the last year. As part of FTA's assurance that WMATA makes necessary safety improvements, WMATA must confirm it is properly managing and resourcing its corrective safety actions and building internal safety capacity and culture. WMATA General Manager Paul Wiedefeld has proven a cooperative partner in these efforts.

Thank you for the opportunity to discuss FTA's direct and robust safety oversight of WMATA's rail transit system. We look forward to working with you to support the benefits of public transportation, here in the Washington, D.C. region and across the country. I am glad to answer questions.

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Mr. MICA. We'll now hear from the WMATA administrator, and welcome you back.

Mr. WIEDEFELD. Thank you. Good morning, Chairman Mica, Chairman Meadows, and Ranking Member Connolly, and members of the committee. I'm Paul Wiedefeld, the general manager and chief executive officer of the Washington Metropolitan Area Transit Authority known as Metro. I want to especially thank and recognize Chairman Mica who has a long and distinguished career, obviously, in helping infrastructure around the country. Thank you for your service, sir.

Immediately upon joining Metro last year, we went to work to restore public confidence by improving safety and security, and making service more reliable and getting Metro's financial house in order. As we work to improve Metro, I have sought to and will continue to make clear to our customers, employees, and the entire region that safety comes before service. The year-long SafeTrack program reflected that commitment to safety over service.

SafeTrack accelerates 3 years' worth of work into approximately 1 year. The plan significantly expands maintenance time on weeknights, weekends, and midday hours, and includes 15 safety surges for major projects. And as I detailed in my written testimony, we have implemented a number of other programs to continue and improve customer and employee safety, as well as the customer experience.

To sustain this progress going forward, we have proposed a preventive maintenance program to the WMATA board. We are requesting an additional 8 hours a week to do preventive maintenance inspections on the system. The goal of the preventive maintenance program is to reduce service disruptions due to track failures and create opportunities to identify and repair track problems before they disrupt daytime rail service.

On the financial side of the house, Metro ended fiscal year 2016 on budget and received an on-time clean audit with no findings in the first time in 3 years. Also, for the first year in recent history, Metro's capital program invested \$1 billion in the system, spending 85 percent of projected capital budget in fiscal year 2016, compared to spending approximately 65 percent in previous years. And in the current fiscal year, we are on a path to spend nearly \$1.2 billion, meeting our budget forecast.

Looking ahead, WMATA must bridge a significant projected resource gap in order to achieve a balanced operating budget in fiscal year 2018. Daily ridership on bus and rail has declined significantly in response to poor service, quality, and reliability, as well as external factors, while at the same time costs have continued to increase. To address this funding gap, the proposed operating budget recommends a number of actions, including the elimination of an additional 500 positions for a total of 1,000 positions in fiscal year 2018, outsourcing certain functions, a reduction in rail service, increased fares, and elimination of certain bus routes, and increased subsidies at the local jurisdiction level.

While we will continue to improve the overall safety and financial management of the system, we will be putting much greater emphasis on customer experience, particularly with regards to reducing unscheduled delays due to poor track conditions, improving

the reliability of our train fleet, and enhancing the station environments in 2017. Our goal for 2017 is to reduce delays caused by train cars—train car use—train cars by 25 percent and unplanned delays caused by track issues by 50 percent.

Finally, we will be establishing a customer-driven metrics which will measure our performance to inform our decisionmaking from a customer point of view and will be used as a management tool for employee accountability.

I will close by thanking Congress for your continued support of Metro through the Federal funding, particularly the PRIIA funding, which are invested in long-term improvements to the system. You have my full commitment that I will continue to work to get Metro back to good. Thank you for your time and attention.

Mr. MICA. Thank you.

We'll now hear from Chairman Evans. You're recognized.

STATEMENT OF JACK EVANS

Mr. EVANS. Thank you very much, Mr. Chairman.

And good morning, Chairman Mica, Chairman Meadows, Ranking Member Duckworth, Ranking Member Connolly, members of the subcommittee. And I too want to lend my voice to Mr. Chairman Mica for your great service here to the city and to the country. Thank you for that.

I serve as the principle director from Washington, D.C. on the WMATA board, and for the last 10 months have been the chairman of the board of WMATA. In addition to that, I am the Ward 2 council member on the Council of the District of Columbia, which represents the central business district, 11 surrounding neighborhoods, 12 Metro stops. Since 1999, I've chaired the council's committee on finance and revenue. And I appreciate the opportunity to testify before the committee today and provide updates from my prior testimony in April 13 of 2016. And since then, WMATA has taken significant steps to improve safety, reliability, and fiscal management of the system.

I do want to personally take this opportunity to thank Congressman Hoyer, Congressman Norton, Congressman Connolly, Congressman Meadows, and Congressman Comstock, who I had an opportunity to meet with personally on these matters. And I want to really take this time to thank you for taking the time to sit down personally and meet with me.

At the top of the organization, a majority of the board of directors has turned over in the past few years. We now have 12 out of 16 new board members, including three new Federal representatives who joined the board last spring. In my estimation, and I served on the board back in the 1990s for 10 years, this is the best qualified, most involved, and most transparent board that we have ever had at Metro.

Our general manager, Paul Wiedefeld, has now been at the helm for a year. And in that time, he's been able to put together a new senior leadership team and implement major initiatives to fix the rail system, restructure, and right size the agency, and better maintain the rail car fleet. Mr. Wiedefeld will provide—has provided a detailed information about these, but to summarize again, WMATA has made personnel changes, operational changes.

So far this year, he has hired a new chief operating officer, a new chief safety officer, both of whom have decades of experience in New York City, a new general counsel, and a new chief of internal business operations to improve our procurement and administrative functions. He's also restructured the management team in March to break down some of the longstanding divisions within the agency. As pointed out, he fired 20 senior managers, and has already eliminated over 500 positions in the agency.

The agency has been undergoing the aggressive SafeTrack project, which we have discussed here. However, it is important to keep in mind that SafeTrack will not solve all the agency's problems. And it will make it safer, it will make it more reliable, but in the words of—and, Mr. Connolly, you may appreciate this—Winston Churchill—I know you're a big fan as well as I am—it's not the end, it's not the beginning of the end, it's probably just the end of the beginning. And that is a true statement about where we are in Metro's maintenance.

WMATA's financial condition can be summed up in three numbers. If you remember last time I was here, I told you the numbers: 300, 18, and 2.5. The numbers have changed a little but not much. First, the 300 is 290. 290 is a projected \$290 million operating shortfall in the fiscal year 2018 budget, which we are dealing with now. Runs from July 1 to June 30 of 2018. The gap includes \$103 million from ridership and revenue loss, \$87 million from expense growth related to SafeTrack, and \$100 million that the agency transferred from capital dollars to operating dollars to balance the budget last year.

Next, 18. Eighteen is still 18. It's the \$18 billion in capital needs that the agency faces over the next 10 years. WMATA has produced now a detailed capital needs inventory and reported back to the board this week that the cost of simply deferred maintenance and the state of good repair needs over the next 10 years is \$17.4 billion. This is essentially a barebones capital investment needed to get the system back to a baseline of operations.

Additionally, WMATA should execute approximately \$800 million of preventive maintenance measures over the next 10 years in order to improve its reliability. These capital needs do not include an estimated \$7 billion in new needs related to compliance with NTSB and FTA directives and other issues, particularly likes the Rosslyn bottleneck. Briefly, that is the Rosslyn bottleneck need for a new tunnel because of the construction in Virginia to carry the trains into the District. It is a \$3.5 billion item that is not included in any of our numbers. And, frankly, hasn't even be started the studying of how we're going to build this tunnel.

Finally, \$2.8. Two point five was the number I gave you before. In the months I've been here since April, it is now \$2.8. It is WMATA's unfunded pension and other post-employment benefits liability deficit. The WMATA board has created a special pension committee to review our pension plans and try to figure out how to deal with this unfunded liability. \$2.8 billion is a staggering amount for an organization of our size that is an unfunded liability. If we fail to address these pension obligations, WMATA will find itself in exactly the same place District of Columbia was in in 1995.

We had a \$10 billion unfunded liability, and it almost brought the city down.

The financial situation of WMATA is dire. To fill the short-term operating budget gap, the jurisdictions, Maryland, D.C., and Virginia, need to increase their subsidy contributions collectively next year by \$250 million. The alternatives, raising fares by 35 percent, closing low ridership stations during off-peak hours, continuing to use capital funds for our operating budget, puts WMATA at serious risk. And again on the capital side, without an increase from our current \$1.1 billion annual capital funding resources to approximately \$1.8 billion, we will continue to have the system we have today, only further stressed by the hundreds of thousands of new riders that we anticipate in the next decades.

It is important to note here, as Mr. Wiedefeld mentioned, that in addition to more capital funding, WMATA has improved its capability to utilize those funds. And in the past, we were only spending about 65 percent of them. Mr. Wiedefeld has now got us up to the point where we spent almost 100 percent of the money on capital that we have allocated for the year. We spent over \$1 billion, which was the highest ever.

So finally in conclusion, I appreciate the opportunity to discuss with you today the continued financial problems at WMATA and the steps we have taken to put the agency on a better footing moving forward. It's easy to think of WMATA as an autonomous entity separate from the rest of the region. But it's important to remember this: WMATA is a \$40 billion asset, a \$40 billion asset, in which all of us, Federal Government, D.C., Maryland, Virginia, each have a 25 percent interest. So with this \$40 billion asset, what are we collectively going to do to take this asset and maintain it and make it better?

So I believe with an increased funding, with the steps our general manager is taking, and with the collective will of all of us in the region, we can fix WMATA. And as has been said before, failure is not an option. So thank you for the opportunity to testify before you today, and I look forward to any questions.

[Prepared statement of Mr. Evans follows:]

**Testimony of Jack Evans
Chairman, Board of Directors
Washington Metropolitan Area Transit Authority**

**U.S. House of Representatives Committee on Oversight and Government Reform
Subcommittee on Transportation and Public Assets and Subcommittee on
Government Operations
December 2, 2016**

Good morning, Chairman Mica, Chairman Meadows, Ranking Member Duckworth, Ranking Member Connolly, and member of the subcommittees. My name is Jack Evans, and I currently serve as Chairman of the Board of Directors of the Washington Metropolitan Area Transit Authority (WMATA). I serve as the Principal Director from Washington, DC on the WMATA Board in conjunction with my role as a member of the Council of the District of Columbia, representing the Central Business District, 11 surrounding neighborhoods, and 12 Metrorail stops. Since 1999, I have chaired the Council's Committee on Finance and Revenue.

I appreciate the opportunity to testify before the subcommittees today and provide updates from my previous testimony on April 13, 2016. Since that time, WMATA has taken significant steps to improve the safety, reliability, and fiscal management of the system.

At the top of the organization, the majority of the Board of Directors has turned over in the past 2 years, including three new federal representatives this past Spring. General Manager Paul Wiedefeld has now been at the helm of the agency for a full year. In that time, he's been able to put together a new senior leadership team and implement major initiatives to fix the rail system, restructure and right-size the agency, better maintain the railcar fleet, and rebuild trust and accountability throughout the system.

General Manager Wiedefeld will provide more detailed information about the progress of these initiatives, but to summarize the actions briefly: WMATA has made various personnel and operational changes to build a strong foundation to improve the agency. So far this year, WMATA has hired a new Chief Operating Officer and new Chief Safety Officer, both of whom have decades of experience with the New York Metropolitan Transit Authority, a new General Counsel, and a new Chief of Internal Business Operations to improve procurement and other administrative functions. Wiedefeld restructured his management team in March to break down some of the longstanding divisions and work silos that existed at the agency. He fired 20 senior managers in the Spring and has already eliminated 500 position throughout the agency to reduce costs.

The agency has been undergoing an aggressive SafeTrack project, a comprehensive maintenance effort that will accelerate three years' worth of work into approximately one year. The plan significantly expands maintenance time on weekends, weeknights and midday hours and includes 15 "Safety Surges"--long-duration track outages for major projects in key parts of the system. The plan addresses Federal Transit Administration (FTA) and National Transportation Safety Board (NTSB) safety recommendations and deferred maintenance backlogs to restore track infrastructure to good health. However, it is important to keep in mind that SafeTrack will not solve all of the agency's problems. It will make the rail system safer and marginally more reliable, but it is not the end of our infrastructure needs. It is, as best, the end of the beginning.

WMATA's financial condition can be summed up in 3 numbers: 290, 18, and 2.8. First, 290 is a projected \$290 million operating shortfall in the Fiscal Year 2018 budget, which runs from July 1, 2017 to June 30, 2018. This budget gap includes \$103 million from ridership/revenue loss, \$87 million from expense growth related to SafeTrack, Wiedefeld's Customer Accountability initiative, and other operational costs, and \$100 million that the agency transferred last year from our capital budget to cover operating costs.

Next, 18 is the more than \$18 billion in capital needs the agency faces over the next 10 years. WMATA is undertaking a detailed Capital Needs Inventory study and reported back to the Board this week that the cost of simply deferred maintenance and state of good repair (SGR) needs is approximately \$17.4 billion over the next decade. This is essentially the bare bones capital investment needed to get the system to a baseline level of operation. Additionally, WMATA should execute approximately \$800 million of preventative maintenance measures over the next 10 years in order to improve resiliency in the system and prevent greater costs in the future. These capital needs do not include an estimated \$7 billion in new needs related to compliance with various NTSB and FTA directives; Fire Life Safety requirements; local and state environmental regulations; system safety improvements; or Security improvements and crime reduction.

This number includes the general work required to repair and maintain the infrastructure of the system. It also includes purchasing new railcars (which account for more than 50% of the reliability issues on the system) and buses, upgrading the insufficient electrical system, encasing the Red Line from Cleveland Park to Medical Center to mitigate water infiltration, and fixing the thousands of other moving pieces and open problems throughout the system.

Finally, 2.8 is WMATA's \$2.8 billion unfunded pension and other post-employment benefit (OPEB) liability. While WMATA has taken steps over the past 20 years to marginally slow the growth of these funds, the liabilities continue to grow as we are unable to properly fund them. The WMATA Board has created a special Pension

Committee to review the five current pension plans that the agency funds and is working with a private accounting firm to consider options for reducing our unfunded liability. While the operating and capital budgets will continue to get headlines, if we fail to address these pensions obligations, WMATA will find itself in the same place the District did in 1995. The jurisdictions need to support actions to fund these liabilities as WMATA works to limit their future growth.

The financial situation at WMATA is dire. To fill the short-term operating budget gap, the jurisdictions need to increase their subsidy contributions collectively by nearly \$250 million next year. The alternatives - raising fares by 35%, closing low-ridership stations during off-peak hours, and continuing to use capital grants for operating expenses - put WMATA at serious risk of losing more riders (and thereby revenue).

On the capital side, without an increase from our current \$1-1.1 billion annual capital funding resources to approximately \$1.8 billion per year, we'll continue to have the system we have today, only further stressed by the hundreds of thousands of new residents the region expects to add in the coming decades. It's important to note here that in addition to more capital funding, WMATA needs to improve its capacity to utilize the funds it does receive. In this past fiscal year, as a result of Wiedefeld's management actions over the 8 months he was on the job and the 2 months of SafeTrack during the fiscal year, WMATA was able to spend \$1.013 billion on its capital program last year. The highest such total ever.

I appreciate the opportunity to discuss with you the continued financial problems at WMATA and steps we have taken to put the agency on better footing moving forward. It's easy to think of Metro as an autonomous entity separate from the rest of the region, but it's important to remember that in actuality, this is a \$40 billion asset owned by Virginia, Maryland, DC, and the federal government. We can choose to do nothing, and we'll continue to have the system we have today. Or we can come together as a region to fix and improve the largest driver of economic activity in all of our jurisdictions. In the end, additional contributions, combined with Wiedefeld's restructuring of the agency, may save more future tax revenues for the region and federal government than it costs us to fix.

Mr. MICA. Thank you.

And we'll hear from Mr. Raymond Jackson who's with the Amalgamated Transit Union Local. Welcome, sir. You're recognized.

STATEMENT OF RAYMOND JACKSON

Mr. JACKSON. Good morning, Mr. Chairman, ranking committee members. Mr. Chairman, I also want to thank you for your years of dedicated service.

My name is Raymond Jackson and I am the second vice president of ATU Local 689. Today I am here to give insight into the SafeTrack program and the challenges that are facing the Washington Metropolitan Area Transit Authority in the near and distant future.

When SafeTrack was first introduced, Local 689 was hopeful that it would mark a departure from the culture and old practices at WMATA. As things have progressed, we are now concerned that WMATA's failure to consult with our union and with the experienced employees on the ground will be its fatal flaw.

Had our input been solicited, we would have worked to find a better way of getting the work done without disrupting the lives of so many riders in this region. We all have family members who ride the system daily, and most of us ride the system as well. So we know the frustrations with SafeTrack firsthand. Unfortunately, the reality of SafeTrack, that it is a necessity at this point. If work had been done over the past 20 years, WMATA would not be disrupting the lives of the people in this region in the way that they have the past 6 months. At this point, SafeTrack is what riders of the region are left with after decades of mismanagement and neglect.

We are also concerned that WMATA continues reliance on outside contractors to do the work that can be done by Local 689 members has become a way for private companies with no investment in this system to make boatloads of money at the expense of the public and our riders. Many times our members end up having to redo work done by these outside companies. It is frustrating for frontline employees and shows a lack of respect for the expertise that our members have.

Our local deals with constant complaints about the lack of employee morale. In other transit systems in this country and around the world, there's a culture of labor-management cooperation where employees are treated with dignity on the job. Their opinions are valued and they have a sense of ownership in the work that they do. That is not the WMATA way. By and large, the invaluable source of knowledge that has represented our long-term employees is overlooked and sometimes even ignored by management, which leads me to WMATA's budget proposal going into fiscal year 2018.

Local 689 is concerned that the drastic service cuts and fare increases proposed by the agency in response to the impact of SafeTrack are sure to be the death of this system. The fact is people need safe, affordable, and reliable transit service. The only way to bring back riders is to restore public confidence in Metro. This will no doubt be a slow process. We have to prove ourself all over

again to a public that has understandably had enough of Metro's enormous problems.

Asking our riders to deal with even longer waits through longer headways and stranding bus riders by eliminating 14 bus lines is not going to restore customer satisfaction. Neither will increasing rail and Metro bus fares. The proposed increase will put a hurt on some of our most transit-dependent riders who have no other way to get around. Like most transit systems that cut routes, WMATA is looking toward those with low ridership, early morning, late night, and weekend service. People who work nontraditional hours will be disproportionately affected.

Laying off 1,000 employees, once again shedding sorely needed knowledge and putting a huge burden on a shell of a workforce, is not only ill-advised but also dangerous. Yet, this is WMATA's plan to dig out of this hole.

Through its slash-and-burn budget proposal, Metro is using the self-inflicted SafeTrack crisis to justify mass cuts in service that would never be accepted in this region under normal circumstances. Metro riders need to call them out, letting them know that we need more, not less service. If we go along with this plan, people will forever abandon the system and it will crumble, causing an embarrassing mobility crisis in our Nation's Capital.

The answer to Metro's current budget hole is a short-term cash infusion, to get the system back on its feet. If Congress had not come into the aid of the American auto industry during the financial crisis 7 years ago with the \$80 billion bailout, these companies would have evaporated. Now America's transit system needs a smaller boost. We call on Congress, Maryland, D.C., and Virginia to come through with the revenues necessary to see Metro through this crisis and urge the agency to work hand-in-hand with us in an effort to prolong and develop a long-term dedicated funding stream from the Federal Government and the jurisdictions that will help improve the system and ensure that we never face these dire circumstances ever again. Transit riders and our members deserve nothing less. Thank you.

[Prepared statement of Mr. Jackson follows:]

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Testimony of Raymond Jackson
Second Vice President
Amalgamated Transit Union (ATU) Local 689
Before
The U.S. House of Representatives Government Oversight Committee's Subcommittee on
Transportation and Public Assets
December 2, 2016

Mr. Chairman, Ranking and Committee Members,

My name is Raymond Jackson and I am the Second Vice President of ATU Local 689. Today I am here to give employee insight into the SafeTrack program and the challenges that are facing the Washington Metropolitan Area Transit Authority (WMATA) in the near and distant future.

For years, Local 689 has been advocating for major changes in the way WMATA does business. We have repeatedly asked WMATA to provide front line employees with the tools and materials necessary to do their jobs, and we've raised concerns about getting preventative maintenance done ahead of time, instead of kicking the can down the road year after year. The reality is that if work had been done over the past twenty years, WMATA would not be disrupting the lives of people in this region in the way that they have these past six months. Unfortunately, SafeTrack is what riders of this region are left with after decades of mismanagement and neglect.

How Did We Get Here?

When SafeTrack was first introduced, Local 689 was hopeful that it would mark a departure from the culture and old practices at WMATA. As things have progressed, we are now concerned that WMATA's failure to consult with our union and with experienced employees on the ground will be its fatal flaw. Had our input been solicited, we would have worked to find a better way of getting the work done without disrupting the lives of so many riders in this region. We all have members of our families that ride Metro daily, and most of us ride the system as well, so we know the frustrations with SafeTrack firsthand. In addition to the inconvenience of service disruptions, WMATA's continued reliance on contractors to do work that can be done by Local 689 members has become a way for private companies with no investment in the system to make boatloads of money at the expense of the public and our riders. Many times our members end up having to re-do work done by these outside companies. It is frustrating for front line employees and shows a lack of respect for the expertise that our members have.

Local 689 deals with constant complaints about lack of employee morale. In other transit systems in the country and around the world, there is a culture of labor-management cooperation

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Metropolitan Washington Council AFL-CIO, VA State Legislative Conference Board, ATU Delmarva Joint Service Council

where employees are treated with dignity on the job, their opinions valued, and they have a sense of ownership in the work they do. That is not the WMATA way. Ask long-time employees that have devoted a significant amount of their lives deep underground, fixing the aging tracks of this system in the middle of the night, whether their expertise is frequently solicited by WMATA's management team. Unfortunately, by and large, this invaluable source of institutional knowledge is overlooked or even ignored by management.

Fork in the Road

WMATA's proposed budget going into Fiscal Year 2018 is a major concern for riders and employees alike. The drastic service cuts and fare increases proposed by the agency in response to the impact of SafeTrack are sure to be the death of the system.

Make no mistake, ridership is down, way down. But the best way to restore ridership is not complicated: people need safe, affordable, and reliable transit service. The only way to bring back riders is to restore public confidence in Metro. This will no doubt be a slow process. We have to prove ourselves all over again to a public that has understandably had more than enough of Metro's enormous problems. Asking our rail customers to deal with even longer waits through longer headways and stranding bus riders by eliminating 14 bus lines is not going to restore customer satisfaction. Neither will increasing the minimum rail fare to \$2 during off-peak times and \$2.25 during peak times. Increasing Metrobus fares by a quarter, to \$2 per trip will put a huge hurt on some of our most transit-dependent riders who have no other way to get around.

Laying off 1,000 employees – once again shedding sorely-needed institutional knowledge and putting a huge burden on a shell of a workforce – is not only ill-advised but also dangerous.

Yet, this is WMATA's plan to dig out of the hole.

We know from countless studies across the country that raising fares drastically reduced ridership, having the opposite effect on desired revenue. Moreover, asking people to pay more for less service is a recipe for disaster, especially when you are asking already frustrated WMATA customers.

Like most transit systems that cut routes, WMATA is looking toward those with low ridership – early morning, late night, and weekend service. People who work non-traditional hours, typically minorities who have no other means of transportation, will be disproportionately affected. The single mom who now gets her kids up at 4:30 a.m. to catch two buses in time to get her children to daycare and then herself to work cannot be expected to stand in the freezing cold with two kids for an additional hour waiting for that transfer bus to arrive. The person who cleans offices downtown in the early hours of the morning should not have to sleep on the cold hard floor in the lobby of the building after finishing his work until the buses start running the next day. Yet, that is exactly what WMATA is proposing here.

Through its slash and burn budget proposal, Metro is using the self-inflicted SafeTrack crisis to justify massive cuts in service that would never be accepted in this region under

normal circumstances. Metro riders need to call them out, letting them know that we need more, not less service.

As bad as circumstances are today, if we go down this road, it is likely that WMATA will never be the same again. People will forever abandon the system, and it will crumble, causing an embarrassing mobility crisis in our nation's Capital.

The answer to Metro's current budget hole is a short-term cash infusion to get the system back on its feet. If Congress had not come to the aid of the American Auto industry during the financial crisis seven years ago with an \$80 billion bailout, those companies would have evaporated. Now, America's transit system needs a (much smaller) boost. We call on Congress, Maryland, D.C., and Virginia to come through with the revenues necessary to see Metro through this crisis and urge the agency to work hand and hand with us in an effort to develop a long term dedicated funding stream from the Federal Government and the jurisdictions that will help improve the system and ensure that we never face these dire circumstances ever again. Transit riders and our members deserve nothing less.

Mr. MICA. I thank all of the witnesses and we'll turn now to questions. I guess I started out commenting on the East Falls Church derailment NTSB report. And it quite specifically says that interviewers suggested inspectors fabricated track measurement and inspection reports. I've got some of the inspection reports that were ignored.

Mr. WIEDEFELD, I know we just got the report yesterday. And almost every time you come before me, I say, well, steps need to be taken to hold people accountable. And you've done that. You got rid of some of the management people who were not effective and others.

Now, it seems like it's fairly simple to trace this back to people from the report and who they interviewed. And then the reports that were submitted, someone was responsible for ignoring those reports. Can these people be held accountable?

Now, you know me. My recommendation is fire those that did not perform. Can we have some results and action, based on what we've seen from this report?

Mr. WIEDEFELD. Yes, Mr. Chairman, if I could just give you a bit of background. What the NTSB action report is the information that we gave them. That was part of an independent investigation that I had started immediately where I had outside people come in.

Mr. MICA. So have those people been—I mean, you had the information and gave it to them. Have you taken action already?

Mr. WIEDEFELD. Yes. What I did immediately is once I basically got informed about what we were hearing and what we were seeing, I started a criminal investigation. I've hired two independent prosecutors. That investigation is still open.

Mr. MICA. Okay.

Mr. WIEDEFELD. So I do not want to comment any further on that.

Mr. MICA. Okay.

Mr. WIEDEFELD. But that is exactly what we are doing.

Mr. MICA. Again, holding people accountable, and there are consequences for inappropriate or negligent action, and if it's worse than that they need to be—I'm told that the—I asked about an inspector general for the operation or someone overseeing. I'm told that that's a weak position, either through the performance of the current individual or the position not having the authority to go in and take some action. What's your assessment?

Mr. WIEDEFELD. The OIG answers to the board; they do not answer to me. That office is under—

Mr. MICA. Mr. Evans, do you want to comment on it? Again, unless you have somebody with some teeth to go after people—the information that I'm getting is the IG is either weak in performance or the position is weak. What do you say?

Mr. EVANS. What I have tried to do as the chairman, Mr. Chairman, is to empower the IG to be more aggressive than it has been in the past.

Mr. MICA. Do you set that authority up or is that set by statute, Federal statute?

Mr. EVANS. Federal statute. That is in the compact.

Mr. MICA. It is, Federal statute?

Mr. EVANS. Yes.

Mr. MICA. I'm not going to be here, but that might be something you all could look at is strengthening the IG position so it's got some teeth. Somebody's got to do something. I mean, they see something wrong and there has to be action taken. That's why we have the IG system, and if it's weak.

So that would be something I would recommend, either—if you don't have that authority, you need to get the information to the folks that can modify that and do it quickly.

Mr. Hart, what's the status of our arcing connections?

Mr. HART. Thank you for the question. We just issued our final report on that recently, so the recommendations are relatively recent. The recommendations that are a little older were our urgent recommendations about the connection of the power cables, that they needed—that we saw many of them were missing some of the sleeves to keep—

Mr. MICA. Right.

Mr. HART. —the stuff out.

Mr. MICA. I went down, looked at that.

Mr. HART. Correct.

Mr. MICA. And saw the arc.

Mr. HART. And we're seeing good progress on the action. WMATA has been quite cooperative.

Mr. MICA. But where are we? Do you know? Maybe Mr. Wiedefeld can tell me.

Mr. WIEDEFELD. Yes. We've eliminated—it's the Orange boots. We have basically replaced all those in the underground system, which is where the key issue is, and we have—basically, we have about 5 percent left on the aboveground, and that's to be done with the remaining surges. When we get into those surge areas, we'll replace those.

Mr. MICA. Okay. So you're about 5 percent. So the smoke—maybe this site that I cited that you can go on and see if Metro's on fire can be taken down pretty soon.

Okay. Arcing and the connections. Communications, worked on that for God knows how long. Where are we? I understand the agreement has been executed with the cell companies. The installation has begun. I understand there's only three areas between stations that are now operating, up and operating.

Mr. WIEDEFELD. Right. And we will continue to do that. Basically, we're doing that as part of the shutdown that we're doing.

Mr. MICA. I know, but that's not good. What is the schedule?

Mr. WIEDEFELD. The Red Line, east side of Red Line will be done in 2017.

Mr. MICA. How many total, 70 is it, areas that aren't covered? And we have three underway, and then I'm told there are some that are in the process of being—having the equipment installed. Is that correct?

Mr. WIEDEFELD. Yes, sir.

Mr. MICA. But what's the balance for the balance?

Mr. WIEDEFELD. We will have the Red Line done in 2017. We will have the Blue and the Orange Line done east of Metro Center.

Mr. MICA. Give me the numbers. So we're at three. In another year, will we have 50?

Mr. WIEDEFELD. I can give you the entire schedule.

Mr. MICA. Okay. I'd like that in the record.

Mr. WIEDEFELD. I will.

Mr. MICA. And you can follow up.

Mr. MICA. Again, if you don't have communication, I mean, when they couldn't communicate—and we held funds up a couple of times. I think I participated in that to get your attention. But we've got to have the communications between the stations, both for the safety of the passenger but also for the crew and everybody else to communicate. So that's one that is still undone.

Okay, back to Hart. You had 16,800 recommendations—or defects, rather. Tell me the status of any of your recommendations that are undone or some of these defects that you cited.

Mr. HART. Thank you for the question. This goes to the fundamental premise that we said the Federal Railroad Administration needs to be in charge, because when there are defects that aren't fixed then the FRA would go after that. There is no—

Mr. MICA. I'll go to FTA in a second. But, to your knowledge, there's still a huge number of defects that have not been addressed, one; and then, two, the recommendations that you had, I forget how many you had of that, but very few of those have been met.

Mr. HART. Let me clarify. It's not only defects that have not been fixed; it's also maintenance schedules that aren't being done.

Mr. MICA. Right. Right.

Mr. HART. They were supposed to inspect that every—twice a week, and we found they were inspecting it monthly in the cross-over. So that's an example of where their own internal requirements for—WMATA's own internal requirements for maintenance schedules weren't being met.

Mr. MICA. But, again, you had the list of recommendations for improvements, and then we have a larger list of defects that were identified. Mr. Wiedefeld, do you want to respond? Where are we?

Mr. WIEDEFELD. We do have a very large backlog. Basically, we're prioritizing those that are the most severe. And that is one of the reasons why we're asking for additional time to do preventive maintenance on an ongoing basis.

Mr. MICA. What percentage of your maintenance is contracted-out work, and some of these repairs?

Mr. WIEDEFELD. I don't know the exact percentage, but we have—

Mr. MICA. Twenty percent, 10 percent?

Mr. WIEDEFELD. In that range. In that range.

Mr. MICA. Okay. Well, based on the images that were given to me, you got a lot of people out there but not a lot of them working, and something has to be done there. I mean, Mr. Jackson ain't going to like this, but—and I think you still have some negotiations to go or something, but whatever you have to—whatever steps to get somebody in there that can perform. If they can't do it, they need to go. If you are hiring contract people, they need to perform and have them take over some of that responsibility.

Okay. Let me go finally to FTA. Since September, I think Mr. Connolly and I both agree FTA has limited capability—it's been mostly a grant agency, I guess—to conduct the safety oversight. The recommendation from Hart and NTSB was FRA. Do you want to speak to the deficits in capability that you have? And I under-

stand some of that's been made up by partnering or cooperating with FRA. Mr. Welbes.

Mr. WELBES. So a year ago, when FTA determined that D.C., Maryland, and Virginia were not capably carrying out their State safety oversight responsibilities, which is part of the Federal statutory structure, FTA used authority that Congress had given us and we stepped in. And we have the authority to conduct investigations, and we've conducted four investigations during the past year. We've looked at stop signal overruns, track integrity, vehicle securement, traction power. We've issued report-outs on three of those. We've issued requirements to WMATA for specific actions associated with those investigations. We've conducted over 300 inspections. We're on site at WMATA about six days out of seven during the past year.

And as a result of our inspection work, we've issued 900—identified 900 defects for WMATA to correct. They've corrected about two-thirds of them to date. In a number of instances, our inspections of track have resulted in taking track out of service or slow orders. And the oversight of Metrorail exercised by FTA is probably the most scrutiny U.S. DOT has ever applied to about 220 miles of track.

We also have the authority to direct spending, and in two instances, at least, we've directed WMATA to move spending from one purpose to another. We directed spending in one case to, \$20 million toward the 7000-series cars to replace the 1000-series cars, which are subject to an NTSB recommendation to remove them from service. We also redirected WMATA funds toward corrective actions that FTA identified a year ago, one of which includes replacing and updating a track management inventory system, to get a handle on the defects that have been identified.

We also have requested from Congress in the past the authority to issue civil penalties, and we've also requested the authority three times from Congress for the ability for criminal penalties since 2008. We've asked for that from Congress.

Mr. MICA. And that has not been granted. Let me turn to Mr. Connolly.

Mr. CONNOLLY. Thank you, Mr. Chairman. Mr. Welbes, listening to you, apparently you're just providing robust safety oversight. You're sitting next to the man charged with transportation safety who says otherwise. He says you don't have the capability.

I met with Virginia authorities yesterday who are writing their part of the tri-State safety oversight legislation, which, by the way, Mr. Hart, is subject to legislative cycles. It doesn't happen like that. Our legislature meets in January, and only the last 2 months we're a part-time legislature. And they tell me that you don't cooperate with them, that, in fact, when they seek information from FTA on Metro, they're told that it's proprietary. They've been denied documents and access to information they think is material.

And I'd like you to address Mr. Hart, who says you don't have the capability. Far from your testimony of robust oversight, you don't have the capability for much by way of safety oversight, frankly, and you've had to borrow from resources from the FRA.

Mr. WELBES. So, Mr. Connolly, the recommendation from the NTSB we take very seriously. A year ago, when we recognized that

the States were not performing their duty, we used the authority that we have at U.S. DOT. So we've requested authority from Congress.

And the recommendation that Mr. Hart has put forward would require a Member of Congress to introduce a bill that would allow the U.S. DOT Secretary to assign WMATA safety oversight to the FRA. And then FRA would have to substitute its rules for WMATA's rule book. So the Secretary cannot do that without Congress taking action.

Mr. CONNOLLY. Well, I will simply point out that the man sitting next to you, his agency authored a report issued yesterday that reiterated that it's the FRA that ought to have jurisdiction here, not the FTA, because of capability issues.

Mr. WELBES. All right. So we have also requested from Congress additional resources and authority to put into effect the new safety responsibilities that Congress gave to us in 2012. So we requested back in 2009, after the Fort Totten incident, additional Federal Authority—

Mr. CONNOLLY. Why not just give it to the FRA, as the NTSB recommended initially?

Mr. WELBES. So Congress, in two successive authorizations, both in MAP-21 and the FAST Act, assigned that responsibility to the Federal Transit Administration, and we are assertively exercising it right now.

Mr. CONNOLLY. Does the Secretary of Transportation have the statutory authority nonetheless to act on the NTSB recommendation and give it to FRA?

Mr. WELBES. The Secretary of Transportation could act on the FRA recommendation, which is to ask Congress for authority to reassign the role for—

Mr. CONNOLLY. He chose not to do that.

Mr. WELBES. A member of Congress can introduce a bill in the chain.

Mr. CONNOLLY. No, wait a minute, don't beg the question. The Secretary of Transportation received a report from the NTSB that involved fatalities, and their recommendation—very serious—said FRA needs to have this, not FTA, for lots of reasons, not because you aren't willing but because you're not capable, and safety comes first.

And the Secretary chose to do nothing about that other than give it to you. His hands aren't tied. I don't remember receiving any legislative request from the Secretary of Transportation to give him the authority to make sure he can implement the NTSB recommendation. This is not a trivial issue.

Mr. WELBES. We have pulled together substantial resources. We've created a WMATA oversight office. We've pulled together a team from DOT, including FTA officials and other capable people in the Department, to do direct oversight of WMATA.

Mr. CONNOLLY. So do you dispute the latest report from NTSB that says, despite your pulling together substantial resources, you weren't on the job at the East Falls Church derailment?

Mr. WELBES. We have identified—we have walked miles of track. We've applied more scrutiny to the 220 miles of Metrorail than the Federal Government has ever applied to any rail system. While

we've identified many instances where track has been taken out of service, we did not find the Falls Church incident—we are doing oversight of Metrorail. Metrorail is responsible for the day-to-day oversight. They actually have standards that the NTSB's report identifies, which call for two times—biweekly reviews of all tracks safety——

Mr. CONNOLLY. Mr. Hart, I'm going to give you—sorry, I'm running out of time.

Mr. Hart, I want to give you an opportunity to respond to that. Is that how you see things?

Mr. HART. Fundamentally, the starting point of effective oversight is regulation so that everybody knows what can be done and what can't be done. Those aren't there. They won't be there any time soon. We were looking at not only the structure. This is not a criticism of the FTA. We're looking at the structure that presently exists. That structure is not there with FTA.

Mr. CONNOLLY. Right.

Mr. HART. In order for them to have that, that's going to take quite a bit of time. The FRA already has it. We were looking to do an immediate remedy instead of waiting for all that——

Mr. CONNOLLY. And does the Secretary of Transportation have the authority to implement that immediate recommendation of yours?

Mr. HART. Our recommendation was to ask Congress to include the—within a list that's a legislative list this property, WMATA, so that it would be overseen by the Federal Railroad——

Mr. CONNOLLY. And did the Secretary act on that recommendation?

Mr. HART. No. The Secretary said that he would prefer to leave the oversight with Federal Transit Administration.

Mr. CONNOLLY. Thank you.

Mr. Evans, you're a politician, you run for office, right?

Mr. EVANS. Indeed, I just got reelected.

Mr. CONNOLLY. Congratulations.

Mr. EVANS. Thank you.

Mr. CONNOLLY. So one of the things we have to do in politics is build public support, especially for things that involve costs. Is that right?

Mr. EVANS. Yes.

Mr. CONNOLLY. So do you think your comments and those of Mr. Price, your D.C. colleague on the Metro board, are helpful to those of us in Virginia and Maryland, in trying to build any kind of public consensus about a dedicated source of revenue, when you threaten on that board to close down the largest single connection to Metro in northern Virginia?

Your remarks were calculated to be helpful to us. Is that right? Or were you just playing games to appeal to somebody in maybe your jurisdiction, without regard to the implications in our jurisdictions, where we're trying to actually be supportive?

Mr. EVANS. The background on Mr. Price's comments is the following.

Ms. COMSTOCK. We can't hear.

Mr. EVANS. Sure. The background on Mr. Price's comments is the following: We have a \$290 million shortfall this year that will only get greater in the future.

Mr. CONNOLLY. Mr. Evans, I don't need a lecture about the current condition of Metro. I know it intimately. I'm asking you a question about what you and Mr. Price were getting at in threatening Virginia's largest investment in Metro, which, by the way, involves Federal funding. The largest single TIFIA grant in the history of the Department of Transportation went to the Silver Line. So it involves Federal participation, and that has implications for whether we renew the 150 million CIP, let alone talk about a Federal operating subsidy, which you and I share.

And I'm here to suggest to you that your comments and those of Mr. Price were cheap and reckless and have huge implications on my side of the river. You don't want, at least you say you don't want—you campaigned against the parochialism of your colleagues on the board, and yet you and Mr. Price are now the exemplars of the very parochialism you decried. And you've done real damage on our side of the river. Do you want to respond to that?

Mr. EVANS. If you'd give me a moment, I'd like to.

Mr. CONNOLLY. Of course.

Mr. EVANS. So, again, everything is on the table in trying to deal with these huge deficits we have, going forward. It's clear to me now that neither Virginia nor Maryland will do a dedicated funding source any time in the future, and it's unlikely we will get any Federal help. So I have—the cards I have are the deck I have to play with.

Mr. Price was only responding to a question in suggesting how we can save money. The Silver Line, as you know, is not being built by Metro. It's being funded by, as you say, Federal dollars and the Commonwealth of Virginia. Although, when the Silver Line is built—

Mr. CONNOLLY. And by a special tax district entirely funded by Virginia businesses.

Mr. EVANS. I understand. But when the Silver Line is built, you turn it over to us to operate. The ridership on the Silver Line as of yesterday in our briefing is one-third of what was predicted. The Silver Line was hoped that the ridership would be so great it would cover its operating costs. It's not even close. So we are today losing tens of millions of dollars on operating the Silver Line.

When the Silver Line is complete, given the projections, Metro will then be losing hundreds of millions of dollars a year to operate the Silver Line. So Mr. Price, who is one of the most successful African American businessmen in the country and is a turnaround specialist, looking at this as a business, was saying, how are we going to afford to operate the Silver Line to the tune of hundreds of millions of dollars a year when we are losing \$3- to \$400 million a year already.

So I think the answer, Congressman Connolly—and you and I are on the same page on this.

Mr. CONNOLLY. I don't think we are.

Mr. EVANS. No, we need more funding from the jurisdictions in terms of the dedicated funding sources.

Mr. CONNOLLY. First of all, I don't know whether Mr. Price is aware of the development plans along the Dulles Corridor, because we are building lots of residential development that's going to change those ridership numbers very fast, but it's dependent on the Silver Line being there. In Tysons alone, there are five high-rises that have gone up since we opened the Silver Line, with thousands of new residents. The goal is to go from 17,000 people who live in Tysons to 100,000, and it's the Silver Line that's critical for that.

But let me just say philosophically, you know, it's very hard to listen to that when you've threatened a regional veto for any service cuts that affect your District. But you have no compunction to say to an entire State that the major investment in Metro ought to be closed. And you go down that road and you fracture the regional coalition, you fracture support up here, and you actually do real harm to long-term prospects for Metro. And that's my message to you. I've run out of time.

Mr. EVANS. I am a big advocate of expanding Metro. I think the Silver Line will be a tremendous addition to Metro.

Mr. MEADOWS. [Presiding.] Mr. Chairman, Mr. Evans, let me come back to you then, because the gentleman makes a valid point. Are you suggesting that you looked only at Virginia to close down something that had an operational deficit and didn't look at other areas that have operational deficits for closing it down? Because I haven't seen any suggestions other than what the gentleman from Virginia is talking about and what Ms. Comstock has mentioned to me. And so you're saying that you wanted to protect D.C. and take it from operational deficits that are in Virginia and Maryland?

Mr. EVANS. No. Actually, Mr. Chairman, there's a long list of cut-backs in service, many in the District, many in Maryland, many in Virginia.

Mr. MEADOWS. Well, but what I've read in the Washington Post and other places is basically anything that touches anything, that has anything to do with Washington, D.C., there is this unbelievable outcry that we can't touch anything. Is that not your position?

Mr. EVANS. Well, no, Mr. Chairman. Actually, as of yesterday, the District made a huge concession to allow the late night hours to be curtailed yet again for another year and possibly 2 years, which is very much against our interests. But I was able to convince the mayor and the council to go along with that because—

Mr. MEADOWS. But not do away with them entirely forever.

Mr. EVANS. Well, we'll see. Again, you evaluate everything every year or 2 years to make sure.

Mr. MEADOWS. But you get—

Mr. EVANS. No, I get your drift.

Mr. MEADOWS. —my friend's point is that you're making a drastic comment that affects Virginia; and then just the little teeny aspects of inconvenience in Washington, D.C., you debate for hours. You follow me?

Mr. EVANS. I do.

Mr. MEADOWS. All right. So let me go on a little bit back to you, Mr. Wiedefeld. Do you believe that the SafeTrack program is placing the system in a state of good repair that will allow riders to feel secure and safe on the system?

Mr. WIEDEFELD. I do for the above-ground portion of the system, because that's where our focus has been on, particularly on the rail tie portion of it and the fasteners there.

Mr. MEADOWS. All right. Mr. Evans, do you believe the same thing?

Mr. EVANS. I do, Mr. Chairman.

Mr. MEADOWS. Let me come to the FTA. Do you believe that as well?

Mr. WELBES. The SafeTrack work is an important step as part of an overall——

Mr. MEADOWS. That's not the question. That's a great answer to a question I—they just answered it. So just answer the question. Yes or no?

Mr. WELBES. Yes.

Mr. MEADOWS. Okay. Mr. Hart, let me come back to you. I want to come back to the East Falls Church derailment and what the NTSB determined to be the probable cause of this. Could you help illuminate us for what the cause of that derailment was?

Mr. HART. Yes. This is an area, it's a crossover area crossing over between parallel tracks, and it's an area that has wooden ties and the wooden ties were left to deteriorate for quite a long period of time. This is a——

Mr. MEADOWS. So what you're saying is it couldn't have happened in a short period of time?

Mr. HART. Correct.

Mr. MEADOWS. So this happened over a very long period of time?

Mr. HART. Correct. Some of the ties may even go back to original construction. We don't know, but they've been there a while and they've been deteriorating for a while.

Mr. MEADOWS. So you're saying the original construction of that particular area is left without any maintenance that caused a derailment?

Mr. HART. Inadequate maintenance in this particular segment where we investigated for that accident, correct. We had the—that's why we looked at how frequently were they——

Mr. MEADOWS. Can we put the picture up on the screen? If you all would all turn your attention to this. Now, if you'll notice that wheel there, actually the rail I guess is supposed to be between——

Mr. HART. The wheel should stick outside of it, should be outside of the rail.

Mr. MEADOWS. And so it's actually just on the top of the rail there. Isn't that correct?

Mr. HART. Correct. Correct. Close to derailing, because it's close to——

Mr. MEADOWS. Close——

Mr. HART. On the inside side of the rail.

Mr. MEADOWS. And so, in your opinion, this would be something that is not only a hazard, but something that is a derailment waiting to happen?

Mr. HART. This under FRA rules would have been required to be out of service, because of the failure to meet the gauge requirements.

Mr. MEADOWS. What kind of rules did you talk about?

Mr. HART. Federal Railroad Administration rules would require this track to be out of service.

Mr. MEADOWS. So I guess that's why we haven't called them in is because they would have seen this?

Mr. HART. Well, their requirements would say, if you see a defect, you have to act on the defect within 30 days. And this defect has been around for a lot longer than 30 days. This would have been acted upon or put out of service, one or the other, a long time ago.

Mr. MEADOWS. So who's not doing their job?

Mr. HART. Well, this is why we're asking for FRA to be overseeing this, because there are no similar—there are no analogous requirements by the Federal Transit Administration.

Mr. MEADOWS. So let me come back to you at the FTA, because you keep coming back and saying, well, Congress can do this and Congress can do that. And I appreciate that. I know Secretary Foxx well, talked to him just the other day.

So have you made a request for Congress to actually give you the statutory authority that you seek?

Mr. WELBES. Yes. So we are following up on——

Mr. MEADOWS. Have you made the request, yes or no?

Mr. WELBES. Yes, we have.

Mr. MEADOWS. All right. To whom?

Mr. WELBES. Pardon me?

Mr. MEADOWS. To whom?

Mr. WELBES. We actually have the authority to issue regulations in the area that Mr. Hart is describing.

Mr. MEADOWS. Well, then why haven't you done it?

Mr. WELBES. We received authority from Congress to do that in recent years. We actually have an assignment in the FAST Act from one year ago.

Mr. MEADOWS. But let me just tell you, it is not good enough for you to continue—we have derailments and injuries that are happening on a regular basis while you already, as you just testified, have the authority to fix it and you're not fixing it. How many more people have to die before we get you to act in the appropriate manner?

Mr. WELBES. Chairman Meadows, the broad framework that Congress set forth and our regulatory structure right now has FTA holding transit agencies accountable for the standards they have in place. So, for example, WMATA's track maintenance and inspection standards are actually more strict for rail track lateral movement than the FRA standard. The problem here is that the culture overcomes the rule book in this instance.

Mr. MEADOWS. So you're going to blame it on Mr. Jackson and all his union employees, is that what you're saying? I'm going to get to the bottom of it here. It's going to end today. I'm tired of the double-speak.

Mr. WELBES. WMATA does——

Mr. MEADOWS. So is it his fault?

Mr. WELBES. If WMATA was following its standards, the incident should not have occurred.

Mr. MEADOWS. Whose fault is it?

Mr. WELBES. It's a systematic fault of all the people involved in that process.

Mr. MEADOWS. All right. So you're involved, so it's partly your fault?

Mr. WELBES. We are overseeing WMATA——

Mr. MEADOWS. So it's partly your fault.

Mr. WELBES. —to run its operation. Mr. Wiedefeld has been taking steps to make——

Mr. MEADOWS. Okay, yes or no, do you have any role in the fault of injury here, yes or no?

Mr. WELBES. We take seriously our responsibility——

Mr. MEADOWS. That's not the question. Great answer to another question I didn't ask. Are you partially at fault?

Mr. WELBES. FTA's lack of authority has been a contributor, yes.

Mr. MEADOWS. You just told me you had the authority. Now, you can't have it both ways. Are you partially at fault?

Mr. WELBES. Sure, sir.

Mr. MEADOWS. So when are we going to get it corrected? Because let me just tell you, I'm tired of people blaming different people for the problem and having hearing after hearing. Mr. Hart has done his work. Mr. Wiedefeld is doing his work. We have a union that says that they're willing to give you and participate and I would assume even fire some of their own union members. I don't want him to go on record, he may not get reelected if he does, but I assume that they're willing to do it.

And yet it keeps coming back to you and your unwillingness to get the appropriate people involved in the oversight and management along with the other team. So I want you to report back to this committee within 30 days the action plan that you're going to have to address that, to be able to work with the recommendations that we just heard, to be able to work with the recommendations of Mr. Wiedefeld, Mr. Jackson with the union. Thirty days. Is that reasonable?

Mr. WELBES. Yes, sir.

Mr. MEADOWS. All right. Now, let me finish with one other aspect. We are here today to get to the bottom of the problem. Mr. Jackson, I heard you say that you could come up with a plan to fix this, that if they just listened to your union employees that you could do that. Now, I'm going to hold you to your word, because here's what I want you to do, is I need you to come back to this body within 30 days. I'm going to give you the same time. Is that fair, Mr. Jackson?

Mr. JACKSON. That's fair.

Mr. MEADOWS. And I want you to come back with four recommendations on what we could be doing differently. And one of those recommendations needs to be what the union could be doing differently to actually fix this problem. Are you willing to do that, Mr. Jackson?

Mr. JACKSON. I am most definitely willing to do that.

Mr. MEADOWS. All right. And my door is open to you, where you can come meet with me at any particular time if you believe that your union workers are not being heard. I'm willing to listen, because we're going to fix this problem.

Mr. Wiedefeld, I want to say this: You're making a lot of difficult decisions that will make a lot of people angry, and I told you earlier before this that this is not a good career move for you, because anything that you do to fix a problem is going to be criticized by somebody. But here's what you do have: You do have a bipartisan support with Mr. Connolly and I and others on this committee that what we're willing to do is if you'll make the tough decisions, we'll ask the tough questions and hold people accountable and make sure that we do that. So I want to thank you for your work.

And I am over time, and so I'll go to the gentleman and recognize him for 5 minutes.

Mr. DESAULNIER. Thank you, Mr. Chairman.

Briefly, just a comment. I'd like to yield the balance of my time to Mr. Connolly. Fifteen, 20 years ago, I was a local elected official in the San Francisco Bay area. I came back here with a then Surface Transportation Policy Project with some members from California to look at WMATA and the land use decisions you were making here as a model for California, where we know in a car culture we have to get transit ridership up, and in the Bay area specifically, where BART, the Bay Area Rapid Transit system, doesn't carry nearly the number that you do. It's still 5 percent of our total trips. And when they went out on strike, we saw the implications for the region. I think it was \$75 million a day that we lost in production.

So, Mr. Wiedefeld, the challenges you have, as somebody who's believed for over 20 years that as we've become more urbanized we have to change our land use patterns. You have great examples of transit-oriented development that we've tried to replicate around the country. You are in this conundrum as a retailer where your ridership's going down because of the lack of confidence. You have to lay point-of-sale people off and support system.

How do you get that back? Understanding that safety is first, but the retail aspect of you've got to get ridership up. And I'll put this in the context of how once you were—how you were perceived once around the country and how experience, anecdotal experience. The last 2 years, as a Member of Congress, I've been looking to purchase a piece of real estate here in the metropolitan area. And I looked across the river; I looked on Capitol Hill. And my realtor said, you want to be on Capitol Hill, because you can't trust WMATA. If you go across the river, you won't be able to trust it. Well, that contradicts all the planning that you have done, Mr. Connolly, local elected officials, that we have replicated in other parts of the country, where we want people to be able to live in different areas and help with the cost of housing.

So long-term, you get the safety problem fixed and the urgency of now, but how do you get that confidence back and how quickly can you do it so we get transit ridership back up?

Mr. WIEDEFELD. Well, we have to focus on, once again, the trains running on time. That's the bottom line, and there's two elements to do that. One is the track. We can't have issues on the track when we have open for revenue service where we have to pull trains down because of some issue. And that's what we're focussing on for 2017, now and into 2017.

And the other is the cars. Basically, we have a very old fleet, and we're changing out that fleet. The sooner we get that done, the quicker we can get into more reliable service. So that's the other focus for us, because that's where I have to focus on. The safety has to be—obviously goes forward all the time, but we've got to get the service reliability up, and it's around tracks and it's around cars, and that is our primary focus for 2017.

Mr. DESAULNIER. Just a comment about FTA and NTSB. And Mr. Welbes, I appreciate you at least admitting responsibility, and I share the chairman and Mr. Connolly's frustration. Again, in the Bay area, it's been very hard and frustrating, because I think—this is a national problem. We can't consistently have 5, 10 percent transit ridership as the total trips in regions, in metropolitan areas in the United States. It won't work. It doesn't work. It's inhibiting our economic growth. Los Angeles is making great strides, but they're still 4, 5 percent.

So whether it's Congress, whether it's partnership with you, we have to change your role. I have asked the former acting administrator who used to work with me at the Metropolitan Transportation Commission, for whom I have much respect, Therese McMillan, can you at least give us guidelines about best practices on our budgets, what's the appropriate—with a range of what we should have in operating reserves, capital reserves. How can we help with our negotiations to make sure that our employees who live in high cost of living areas, like the Bay area, most urban areas, get a fair and equitable wage but still maintain the retail and the safety excellence, so you get that ridership back up.

So as an observation, this is a national problem and I really wish that FTA and the administration and the future administration would act with Congress in a bipartisan fashion to figure out what's your best possible role, not just when it comes to safety, but best practices around finances.

And, with that, I would like to yield the remaining of my time, Mr. Chairman, to Mr. Connolly.

Mr. CONNOLLY. I thank my friend.

Mr. Jackson, over to you, I heard your testimony and it sounded good about, you know, commitment to customers and so forth. What about ATU and what about the union's responsibilities, though, in terms of accountability? We have a situation—I'm not asking you to prejudge it, but, in theory, do you agree that if somebody falsifies records and endangers public safety, their job ought to be on the line? I mean, we had the union try to overturn the decision made by the general manager when we had an operator who blew through a red light, endangering lives. Now, maybe there was a good case. I'm all for due process. I'm a Democrat, I support unions. But I also insist there has to be some accountability in the workforce and that it's your job to join with management in making sure that the tradeoff is good wages and performance.

And I want to hear more about that, because I didn't hear a lot of that in your testimony, especially after yesterday's release of the NTSB report on a derailment that involved workers who falsified records.

Mr. JACKSON. Well, Mr. Connolly, I would be more than happy to touch on that.

Mr. CONNOLLY. I can't hear you.

Mr. JACKSON. I would be more than happy to touch on that a little bit for you. As far as workers and the falsification of documents, one, you will have to really understand the culture at WMATA.

If you go to these workers and you are asking these workers about these documents, these are the documents. And part of it is training and the harassment that the workers receive from the managers. Why would a manager give a worker a task that he knows is impossible to complete?

Mr. MEADOWS. Hold on. You're saying that they falsified the records because they were harassed to be able—Mr. Jackson, that's a big leap, because if—I mean, if that's happening—so you're saying they falsified the records because someone forced them to falsify them?

Mr. JACKSON. No. In their mind, they did the work. Let me explain it to you. If you give me a task that takes 45 minutes to complete and I go out there and in my mind I complete that task in 5 minutes, I went out there and I inspected what you asked me to look at, then what you are doing is you are setting me up to fail. So now if I go back and I do not finish those 30 inspections that you know I have no way of completing, I'm disciplined for not finishing my inspections. So what these guys are doing is they're doing their inspections to a standard—

Mr. MEADOWS. And falsifying the records. Mr. Jackson, let me just tell you, you'll find I'll be your biggest ally, but if they're falsifying the records, they need to be fired, pure and simple. I mean, is there anybody that falsified records that should have been fired?

Mr. JACKSON. Is there anyone that falsified records that should have been fired? Yes, there has been.

Mr. MEADOWS. So you're going to recommend that to Mr. Wiedefeld.

Mr. JACKSON. I'm never going to recommend it. I'm going to—

Mr. MEADOWS. But you'll go along with his recommendation on firing them.

Mr. JACKSON. I'm going to recommend that we look into the situation.

Mr. MEADOWS. That's not what I asked, Mr. Jackson. You're starting to get contagious. It's starting to come over here. You're answering a question I didn't ask.

Mr. JACKSON. Okay. Well, I'm never going to recommend firing our employees.

Mr. MEADOWS. Will you support the termination of someone who's falsified records that may have caused the injury of someone else?

Mr. JACKSON. If it was their intent to falsify the document, yes, I will.

Mr. MEADOWS. All right. Thank you, Mr. Jackson. I'm going to recognize the gentlewoman from Virginia, Mrs. Comstock.

Mrs. COMSTOCK. Thank you, Mr. Chairman.

I want to reiterate some of the points that my colleague from Virginia made about the board statements this week really not only being troubling but irresponsible. And they were called political theatre by our Governor in Virginia, and I would agree with that also.

But I think this week demonstrates really why we need to have major changes at Metro, much like what the Federal City Council is recommending. We need to blow up the compact and change it quite considerably, make big changes here. We need to get rid of the binding arbitration, which is not allowing Mr. Wiedefeld currently to be able to make the changes he needs and put the people on task in the way to get the job done, and then we need to change the board.

Mr. Delaney and I have a bill that we have on changing the board, but we need to make these decisions so we don't have this type of political theatre. So I hope in the new year with our new Transportation Secretary, who not only has a lot of experience in transportation but in the Labor Department, that we look at all these issues and right-side Metro so we can have this partnership that we agree on and support. So I think those were very destructive things that were done, and I was not only very disappointed but it only reiterated the need to make some major changes here.

And on the same front with the union, I'd like to ask Mr. Jackson, is there a Mr. David Stephen that you're aware of? Is he here today with you?

Mr. JACKSON. Yes, he is.

Mrs. COMSTOCK. Okay, is he here? Could you point him out to us?

Mr. JACKSON. Mr. Stephen?

Mrs. COMSTOCK. Yes.

Mr. JACKSON. Mr. Stephen?

Mrs. COMSTOCK. Okay. Well, Mr. Stephen is somebody in the same line of Mr. Connolly being concerned about the attack on Virginia. He tweeted out recently—and I think he's been tweeting today's hearing and making some slights against Chairman Mica—Barbara Comstock is our enemy.

Do you believe that, Mr. Jackson?

Mr. JACKSON. Ms. Comstock, I believe that we just have a difference of opinion on how this transit system and our binding arbitration should be handled.

Mrs. COMSTOCK. Well, let me tell you we have worked, last year we've worked together on Metro. We got the money restored that some on my own side tried to take out. I worked to do that. I have been working with my colleagues in the region. I serve on the Transportation Committee. When you have that type of mentality—we've been working with Mr. Wiedefeld. Their staff has been very cooperative.

And it would be helpful—Mr. Meadows just pointed out on reasons to fire people, and I think Mr. Connolly pointed out too. Here's a headline: "Metro union sues to get fired worker back on the job after the deadly smoke incident." This was another incident where falsified reports happened.

So you're still pursuing keeping that employee who falsified records, you want to keep him employed.

Mr. JACKSON. So, Mrs. Comstock, what you have to understand is that we have what's known as binding arbitration. And the arbitrator decided that this employee should keep his position at the authority. And I believe that even in his findings there was some—

there may have been some statements along the lines of it's the culture, the culture at this company.

Mrs. COMSTOCK. Okay. And on the culture—and I actually think this would be something helpful for all us to do on a bipartisan basis—I would like to go out with your track workers, come out with you and see what the process is, because I don't understand. It seems like nobody has any records of this. People say there aren't records. You're making accusations that people are asking you to falsify it.

Is anyone familiar with iPads and phones? Do you have these things. Do you have one?

Mr. JACKSON. We also have a cell phone policy.

Mrs. COMSTOCK. Do you all have them? I understand that there's very easy technology where people can come out and record this and record what's going on there. And if you record that, there's timestamps on it. There's technology that other transit services use. They've come in and showed us this.

I think that would protect you and your workers, because it would show that you are on site on a particular time doing something, and if somebody said you didn't you'd have that proof in your hands in that report that could never go away. And if we could have the track system recorded—and I don't know what FTA is doing. Are you using any type of physical report instead of paper reports?

Mr. WELBES. Yes. We have been recording all of our investigations and inspections.

Mrs. COMSTOCK. We need to have that, so when Mr. Jackson makes reports saying they went out to do something and they were told to falsify it, this shouldn't be a back-and-forth of finger-pointing. We should have evidence that shows what happened when you went out. We have the technology. This is 2016. This isn't hard. I mean, can somebody—I mean, do you use that at all, Mr. Jackson?

Mr. JACKSON. We're not allowed to do that.

Mrs. COMSTOCK. You're not allowed. Why not?

Mr. JACKSON. Well, because the Authority has a cell phone policy, an electronic device policy in which—

Mrs. COMSTOCK. No, I'm talking about having some type of technological thing that records what you're doing, not your particular phone but technology that would allow you to record that.

Mr. JACKSON. We are not allowed to have any type of electronic device in our work zones.

Mrs. COMSTOCK. Well, I understand we don't want you on the phone. I agree with that.

Mr. JACKSON. Well, any kind of electronic device, meaning any type of electronics would be needed to record something. And through binding arbitration—

Mrs. COMSTOCK. Because I'm talking about recording your work, recording the work.

Mr. JACKSON. Recording the work. Again, the workers are not allowed to have any type of electronic device which would even record our work.

Mrs. COMSTOCK. Okay. Well, Mr. Wiedefeld, I think we talked about this at the last hearing, because we had people come in with that technology to do that. Is that being looked at?

Mr. WIEDEFELD. It is, not only for individuals out there but just doing it through—by driving over the system and basically recording electronically—

Mrs. COMSTOCK. Exactly.

Mr. WIEDEFELD. —the conditions of the system. So we're pursuing that right now.

Mrs. COMSTOCK. Okay. Because we should be—now, if he's made accusations about this, we should be able to factually pull that up and check. I mean, we're long past having to have this type of finger-pointing when we have the technology.

I'd also like to take—

Mr. MEADOWS. Ms. Comstock, your time has expired. We'll keep it for a second round. We've got a few other folks that we've got to go to, but if you'll stay here we'll come for a second round. All right?

The gentleman from Maryland, Mr. Delaney, is recognized.

Mr. DELANEY. Thank you, Mr. Chairman.

You know, they say companies go bankrupt two ways: Slowly and then all at once. And it seems like the same thing has happened to Metro. Across time through your really decades of bad decisions, we've gotten to the point that everything has collapsed upon itself. The difference is, with a company, if it has a reason to exist, it goes through a restructuring. It brings in new governance, new management, and it gets new capital, right, and it begins the path of a turnaround.

The problem we have here with Metro is there's no obvious forcing function to allow that to occur, because it's not a company, it's a multi-jurisdictional enterprise. The jurisdictions will continue to fund it at low levels. It will limp along. It won't be able to do the restructurings it needs to do, and it can't change the governance structure.

But ultimately, right, cutting through all the stuff we've discussed here today, that's where this has to go. We have to get to a point where there's—actually not a change in management. I think the general manager is actually doing a good job. That part of the turnaround is occurring.

But where governance has to change—no disrespect to the current chairman, but the Metro board governance model has failed. Where we need new governance, the gentlelady from Virginia and I have a proposal to do that, as she mentioned. We need to restructure contracts that don't work. We need a new strategic plan, and we need new money from all the stakeholders, and that has to occur in some kind of forcing function where it all kind of is brought to the table, and then Metro can—because it clearly has a reason to exist. If any enterprise has a reason to exist, it's the Washington Metro. And then the turnaround can continue.

So my question to the chairman and to the general manager is, what can we do to accelerate the occurrence of that day? Because that day, which I define as the day when the governance model changes, we're in a position to restructure, and only with those things occur will the stakeholders put more money in, and they have to put more money in. What can get us to that day as soon as possible? Because that's what's in the best interest of Metro and all the various stakeholders, including the constituencies.

Mr. EVANS. Thank you, Congressman Delaney and Congresswoman Comstock. I happen to agree with both of you. And if you remember, the original suggestion of getting rid of this board and having a five-member board was mine. It drew a lot of fanfare back in the day, but now the Federal City Council has adopted that model. What their suggestion is is that the Federal Government, Congress withdraw its support of the Metro compact. If they were to do that, the compact then collapses and all the jurisdictions are out and you have to start over again.

My suggestion is, a 16-member board from all the jurisdictions is not workable. I'm doing the best I can with what I have. We've heard the comments here today. All of us, including myself, end up being parochial, because we do. A five-person board like the D.C. Control Board of local people, but here's the catch: It's not the number, although five persons is the best number, with extraordinary powers like you're talking about. The D.C. Control Board had the power to access money from the Treasury.

Mr. DELANEY. Mr. Chairman, I've seen those proposals, and whether it's that or similar flavors.

Mr. EVANS. Yes, yes, yes.

Mr. DELANEY. They all involve change of governance, restructuring, and more resources. What can get us to—because now we have those proposals floating around out there.

Mr. EVANS. Yes.

Mr. DELANEY. And it's one of these situations, to my mind, any of them are better than what we have now. What can get us to that day? Because, again, it's not an enterprise that one day it runs out of money and files for bankruptcy. That may be the biggest problem with Metro is that it doesn't have that forcing—

Mr. EVANS. Right, right.

Mr. DELANEY. What can get us to that day?

Mr. EVANS. Again, the Federal City Council has that legal outline if Congress withdraws its support from the compact. That will be the triggering mechanism that the compact then collapses, and everyone is forced at that point to get back together again and restructure the system. And the structure from 40 years ago just doesn't work. Just like the dedicated funding source, that has to be a part of it.

The other five major systems all have a 1 percent sales tax. We don't have it. So all of that has to be, a new board, a new tax, all of that, and you can make the system work.

Mr. DELANEY. Does the general manager have an opinion on is this?

Thank you, Chairman.

Mr. WIEDEFELD. It is around the compact. I mean, that is I think the mechanism to attack this.

Mr. DELANEY. Okay. I yield back.

Mr. MEADOWS. I thank the gentleman? The chair—

Mr. CONNOLLY. Would my friends just yield for one observation?

Mr. DELANEY. Of course.

Mr. CONNOLLY. While he still has time.

It's complicated. It's also complicated by the—I find it ironic that the District of Columbia that talks about taxation without representation, which I support, would nonetheless favor a system at

Metro that would take away representation from the people who pay the taxes. In Virginia, it's localities, not the State, that pays the operating subsidy. And you are going to find fierce resistance to those taxpayers to lose their representation.

Mr. DELANEY. I'm reclaiming my time briefly.

Mr. CONNOLLY. You don't have any more time, I took it. I'm just teasing.

Mr. DELANEY. I'm not proposing any specific governance model, new governance model. Restructuring, more resources, 50 different ways of doing that. That's where we have to get to.

Mr. MEADOWS. I thank the gentleman.

The chair recognizes the gentleman from Wisconsin, Mr. Grothman.

Mr. GROTHMAN. We'll go a little different place than we've been so far. Just a couple months ago, on September 13, there was a train that apparently came to a stop outside the Farragut North station. Apparently, for a while there was no communication between the operator of that train and the ROCC.

Mr. WIEDEFELD, could you comment on that? Apparently even prior to that time there was concern they couldn't contact the operators. So not only did the train stop, but there was no contact between the operator of that train and the central location. Could you tell us a little bit what happened there and whether you think it's appropriate that it happened?

Mr. WIEDEFELD. Sure. One of the issues we have is, once an operator leaves the cab, in effect, there is no communication with the remaining six or eight cars and that walkie-talkie. So there were some issues around that. And so that is, again, a personnel issue that we're dealing with; did they follow all the rules they were supposed to follow at that time.

But the reality is, when an incident occurs in a tunnel and if there's only one WMATA employee on it, once they leave that cab, in effect, you've lost the ability to communicate. You're walking through a very crowded train, depending what the conditions are, and you are either talking—we do have megaphones, for instance, in the cab that they're to take to try to help with that communication. But what we have to do is figure out a way to get the ROCC to be able to talk to the train where the operator is no longer in the cab.

Mr. GROTHMAN. As I understand it, there was no communication between control center and the operator of that train. Is that accurate?

Mr. WIEDEFELD. There was some, but it was not done according to the policy that they should have been following.

Mr. GROTHMAN. Okay. There were concerns even before that that central felt they weren't getting a hold of the operator. Is that right?

Mr. WIEDEFELD. That's right.

Mr. GROTHMAN. Okay. But unless we charge ahead—now, you're telling me what happened, the reason there was no communication between the operator of the train and the passengers is the operator got up and began walking through the train? Is that—

Mr. WIEDEFELD. Yes. That's exactly what they had to do. And that's what they should have been doing. That's exactly what they should have been doing.

Mr. GROTHMAN. Okay. In other words, were they unable to communicate with the passengers otherwise?

Mr. WIEDEFELD. You can communicate with the passengers when you're in a cab, but as you do know, we have problems on that issue as well, because if we use different series of cars, when we put them together, the communications don't work. So that's a technical issue that we're addressing with the 7000 series. But once they leave the cab, in effect, all they have now is their walkie-talkie and a megaphone.

Mr. GROTHMAN. And apparently, because of the lack of communication, some passengers got tired of waiting and began walking down the track?

Mr. WIEDEFELD. Yes. There was definitely frustration, you know, and I think just given the current—some of the current conditions, I think that's what occurred. We obviously do never recommend anyone leaving the car. That would be like, you know, if you're frustrated sitting on the tarmac on a plane, you know, sliding down the—taking the slide down, that's just not acceptable.

Mr. GROTHMAN. Okay. Kind of a scary thing. Were you aware that—was any employee of Metro aware that these passengers were walking alone down the tracks?

Mr. WIEDEFELD. Yes. And that's exactly—they were just outside the station. Other employees were there and were walking to the car, and that's when they saw these individuals leaving the car.

Mr. GROTHMAN. Was the third rail still on at the time?

Mr. WIEDEFELD. Yes, it was.

Mr. GROTHMAN. Shouldn't somebody have been hitting the panic button, say we better turn this thing off?

Mr. WIEDEFELD. Basically, that's what—they grabbed these people immediately and put them up on the walkway to get them away from that. And that's what caused a lot of the delay, because then we had to go, in effect, and inspect around the cars, make sure no one else was out there.

Mr. GROTHMAN. Unbelievable, but just like everything else here in Washington, why would it work.

But I'll give you another question. You guys always say the problem is lack of money, and I know that in any big organization today one of the problems we have is health insurance costs. What type of health insurance plan do we have for the employees of the Metro and what's the cost per employee per year?

Mr. WIEDEFELD. I can get you the details, but the—there's two levels of health care. One is for the nonrepresented employees, which is about 2,000 people. And the other is tied to the represented employees, which is about 11,000 people. Eleven thousand people is through negotiated settlement in—again, through the whole binding arbitration process. The other, we have more control over it. Just recently, we've reduced the cost of that system by basically charging our employees more for the nonreps. But I'll have to give you details—

Mr. GROTHMAN. Okay. How many nonrepresented employees do you have—

Mr. WIEDEFELD. Two thousand.

Mr. GROTHMAN. Two thousand. So you've got a total of 13,000 people. What is your cost per employee?

Mr. WIEDEFELD. I just don't have that number. I can get it to the committee.

Mr. GROTHMAN. Do you know about? Eighteen thousand a year? Seventeen? Twenty-five?

Mr. WIEDEFELD. I don't know. I just don't know.

Mr. GROTHMAN. Would anybody here know?

Mrs. COMSTOCK. Yeah. If the gentleman would yield, I actually have some of those numbers. If you'd like, I could ask about them, because I have some.

Mr. GROTHMAN. Sure.

Mrs. COMSTOCK. And I know 75 percent of the cost—70, 75 percent of the cost of Metro is wages and benefits, is my understanding. The information you had given us was that the average salary, for example, for controllers, was, over the past few years, between \$77,000 to \$87,000. And I believe the starting base salary was 71. Because it would—overtime, and as much overtime—like there was one controller who made \$216,000 because of overtime. In one year, \$216,000. This is the information that Metro gave us.

So there's a policy where the people, and my understanding is, when there's overtime, the people who have the most seniority—and this, again, is in the contract. So the highest salaried employees who maybe are about to retire get the first dibs on the overtime. So they're able, in your last 3 to 5 years, run up your salary so you get a \$216,000 salary, and then that overtime is tied to your pension. Is that correct?

Mr. WIEDEFELD. Yes.

Mr. MEADOWS. [Presiding.] The gentleman's time has expired. You can maybe reclaim for one quick question.

Mr. GROTHMAN. Right, right, right. The question I had, and I don't know whether any of you people know it, it's not a matter of giving the employees more of the cost of their health insurance, although that's sometimes necessary. The cost is what type of plan do you have? Is it market based or that sort of thing? I would hope that one of you up there, one of the four of you, would be able to just tell us what is the overall cost per employee, both the employee share and the employer's share of insurance? I mean, if you don't remember last year's, maybe you remember a year before that. Is it 18? Is it 25? Is it 22? What is it? What do you guys—any one of the five of you can tell me.

Mr. MEADOWS. Mr. Wiedefeld, can you get—

Mr. WIEDEFELD. I can get that to the committee. Yes, I can.

Mr. GROTHMAN. It's just amazingly incompetent for none of you to have any clue what that is. But it just shows—whatever. I'm done with my time.

Mr. MEADOWS. Mr. Wiedefeld, I thank you for being willing to get that back to the committee. If you'll get that response.

The chair recognizes Mrs. Watson Coleman for 5 minutes.

Mrs. WATSON COLEMAN. Thank you very much.

That was a little concerning to me, that a person with a base salary of 77 to \$80,000 a year could have overtime as an operator to the tune of—

Mrs. COMSTOCK. A controller.

Mrs. WATSON COLEMAN. —some \$200,000 a year. I mean, when does that person sleep? That's a little scary to me.

Mr. WIEDEFELD, I'm just going to ask you a couple of questions because I'd really like to know what you think you need. Do you know what you need in order to make this system operate efficiently and effectively and encourage people to use it, because I think public transportation is vitally important to our environment as well as just to our lifestyles. So do you have a comprehensive plan that lays out all of the things that you need to do with your cars, your tracks, your electrical, your whatever?

Mr. WIEDEFELD. We do, in fact, on all those levels. Both on the track and on the cars is our biggest focus for this one year, but we have it for our busses. We have it for our paratransit service. A big part of it is working closer, I believe, with the union employees and getting to some of those core issues. I agree with that as well.

Mrs. WATSON COLEMAN. So there is a plan that goes for, what, five years, ten years?

Mr. WIEDEFELD. Yeah, we have an overall plan. But I'm focusing particularly on the '17—you know, remainder of this year and '17 to get at some of the core issues that we have to address immediately.

Mrs. WATSON COLEMAN. Okay. But to get the system in good repair, you have a longer term plan. Right?

Mr. WIEDEFELD. We do. Yes, we do.

Mrs. WATSON COLEMAN. So do you anticipate a certain amount of money that you need in order to accomplish this, both long term and then incrementally to get to that long term?

Mr. WIEDEFELD. Yes. We have a program for the next 6 years for both operating and capital of what we would recommend.

Mrs. WATSON COLEMAN. And do you have what you need? Or is there a running deficit—

Mr. WIEDEFELD. No. We have a deficit on the operating budget in the upcoming year of \$290 million. Obviously, we have to have a balanced budget, so I proposed a certain way to get there that the board is considering right now. On the capital side, like any other major infrastructure, the capital needs are always much larger than what we have available. We've identified a total need of \$25 billion. But that is—you know, we have a capital program that we're proposing of \$7.2 billion over the next 6 years to chip away at those issues.

Mrs. WATSON COLEMAN. So that if you have a—7 times 6 is what? 56? You have a \$7 billion plan per year—

Mr. WIEDEFELD. Every 6 years.

Mrs. WATSON COLEMAN. —for 6 years?

Mr. WIEDEFELD. For 6 years. Over 6 years. It's roughly about 1.2, 1.3 annually.

Mrs. WATSON COLEMAN. Okay. So what do you—what's going to be your deficit there?

Mr. WIEDEFELD. We're going to have a deficit on the operating side of the equation.

Mrs. WATSON COLEMAN. Not on the—

Mr. WIEDEFELD. Well, the capital side is—again, you always have more capital needs than you can afford.

Mrs. WATSON COLEMAN. Yeah. But we're really focusing on the fact that your infrastructure hasn't held up the way it should and there, therefore, have been serious injuries and loss of life and things of that nature. So that's where I'm trying to focus right now on—

Mr. WIEDEFELD. Right. Right. And we believe, for the upcoming year, that we have enough dollars to, again, move in that direction to bring the entire system to what we call a state of good repair, to get it to a base level. Not expansion, but basically gives you that base level.

Mrs. WATSON COLEMAN. Okay. All right. I don't think I really know the answer to my question. But I'm going to yield my time to my very eager colleague here.

Mr. CONNOLLY. I thank my friend.

Mr. Wiedefeld, Mr. Evans talked about utilization and cost and loss on a certain line in the system. Do you maintain an actual cost, loss, or revenue gain for each station or each line of the system?

Mr. WIEDEFELD. No. What we do is, you know, we manage this as a regional system. And that's the way we look at it.

Mr. CONNOLLY. Well, how is he able to desegregate the Silver Line from everything else and declare that it's going to cost something projected into the future?

Mr. WIEDEFELD. I don't know what numbers that were thrown around.

Mr. CONNOLLY. Well, let me just ask this: If we're going to go down that road, this committee, with the permission of the subcommittee chairman, wants to see data on every line and every station. And if we're going to start talking about closing things based on gain or loss, we're all ears. We're all eyes. And we'll be participants in that, I assure you. So we want to see that data. Since it got brought up, why pick on only just one part of the system.

Secondly, Mr. Evans, you were talking interestingly on the board about the affluence of certain members of the compact, certain parts of the compact. In fact, you made reference to jurisdictions I represent in terms of their median household income. Was that a predicate to maybe changing how we finance the operating subsidy based on median household income and an ability to pay rather than utilization or physical presence of Metro in a jurisdiction?

Mr. EVANS. Mr. Connolly, all of my comments are directed at getting the attention of Maryland and Virginia that we need a dedicated funding source.

Mr. CONNOLLY. But why would you pick on the measure on median household income and affluence? What was the relevance of that?

Mr. EVANS. What I was saying is Fairfax County is the second richest county in America and Arlington's the sixth richest county in America, and yet we cannot get a dedicated funding source for Metro.

Mr. CONNOLLY. Yeah. And this goes back to why I think your comments about the Silver Line are reckless. So let's take Fairfax County, which I've represented for a long time. It's 400 square miles. How big is your jurisdiction?

Mr. EVANS. 62.

Mr. CONNOLLY. How many stations you got?

Mr. EVANS. How many?

Mr. CONNOLLY. Stations. Metro stations.

Mr. EVANS. 40.

Mr. CONNOLLY. Forty in 62 square miles. If you take out the Silver Line, Fairfax has four, and if you're generous with Falls Church, five in 400 square miles, Mr. Evans. It's a very difficult task persuading our taxpayers to increase their subsidy, let alone vote for a dedicated source of revenue, if they're not served by Metro. And that was the genius of the Silver Line, to finally get service to the Nation's premier international airport, which is a Federal responsibility we're bearing. And, secondly, to anchor the largest jurisdiction and the wealthiest jurisdiction as a stakeholder in Metro. I urge you to contemplate that next time you decide to opine about the relevance of Metro in my jurisdiction. Thank you.

Mr. MEADOWS. The chair recognizes the gentleman from Virginia, Mr. Beyer, for 5 minutes.

Mr. BEYER. Thank you, Mr. Chairman.

Mr. Wiedefeld, first of all, I want to thank you again for—as we—many have done today, for making the hard decisions. You know, John Kennedy said that to govern is to choose. And you clearly have made these choices.

You weren't able to address in your spoken testimony, but in your extended written testimony you talked about the speed restrictions outside National Airport. And many of my constituents who regularly use the Yellow and the Blue Lines question why the speed restrictions are in place so soon after the SafeTrack work has been completed. Can you explain when those will go away or why they're still there?

Mr. WIEDEFELD. Sure. Sure. The speed restriction had nothing to do with the condition of the track. It had to do with a near miss out there. We have certain parts of the system where we have very tight curves. And that one happens—actually is an ess curve. And that—so we wanted to reduce the speed. There was actually a line of sight issue. We worked with the National Park Service to remove a tree to do that so we could start to bring that speed back up.

And then what we're doing is we're instituting a electronic technology so that when workers are out in one of those blind curves, in effect, they are alerted that a train is coming. And more importantly, that the operator knows that someone's in front of them. And then once we have that in place, then we can bring speeds back up. But when someone's out there, we just want to make sure that they're not in danger.

Mr. BEYER. Okay. Thank you. You know, much has been made about the culture, state of the culture at WMATA. And this is the hardest thing to change and the most important thing. How long do you think it's going to take? What are your steps to change the culture? And I can ask Mr. Jackson this too. Do you see the union as a willing partner in this culture evolution?

Mr. JACKSON. I do see the union as a willing partner with this culture evolution. I would just ask to go look at the union's statements over the last few years. We've been asking for this, I believe, since 2009, or maybe even before then. I do know that during the—

I can't remember the year and the guy's name right now. But he came with Kubicek and the rest of them. We have been saying this for a while that the Authority have a serious culture problem. We have a very serious culture problem and something needs to be done. It can't get done by management disciplining their way out of this safety culture problem that we have. You can't discipline your way to safety. But if we sit down, the union and management come together, I believe that we can fix this problem. I mean, and in my professional opinion, I don't even believe we need the FTA to do it. All we need is the training.

Mr. BEYER. Let me ask the general manager the same question about culture, difficulty, time, and willing partners.

Mr. WIEDEFELD. Yeah. I know we have willing partners. I've met with hundreds if not thousands of our employees. And basically, they're very proud and they—a lot of the things that you're starting to see now is the result of the safety culture taking root. So, for instance, about 3 weeks ago or so we had an issue with the 4000 series. That was raised by a middle manager person that basically said: Wait a minute. There's an issue here. And we pulled those cars out of the lead on the trains.

A lot of the other speed restrictions, you mention one, but there's a number of speed restrictions that have been occurring over the last few months. That's coming from line employees. And that's exactly where it should come and that's what we want to promote.

But I do believe with Mr. Jackson, there has been a culture here over decades that has evolved. And I'm not going to turn it around in months. But I think it's going to—a concerted effort by management and labor to do that.

Mr. BEYER. Great. Thank you.

Chairman Evans—

Mr. EVANS. Yes.

Mr. BEYER. —we've given you a hard time today because of your comments about warning the Blue Line to be closed for 6 months or that you cut suburban Metrorail service so Virginia, Maryland can contribute more money. In November, you floated the idea of a Federal takeover of WMATA. And just last week, this notion of not continuing Silver Line phase two, even though Virginia's paying to construct it.

I know you're working very hard and very passionately about dedicated sources of revenue and all that. But how do you respond to all these statements which seem to deepen the parochial divides and perhaps further undermining rider confidence in our system?

Mr. EVANS. Thank you, Congressman. Actually, I think—and you take those statements one by one. What I found when I came to Metro and became chairman is a lack of awareness—because of Metro's fault. Nobody's else's fault—in this whole region of how bad this situation was. On the operation side, as was pointed out by I believe Chairman Mica, we had just celebrated Richard Sarles' leaving as one of the great times in Metro. And the whole thing was a wreck and nobody knew it. The finances, when I walked in there, I couldn't believe what I found. We hadn't had a clean audit in 3 years. Everything was in chaos.

What I've tried to do in the last year is to raise the awareness of the region starting out with close the Blue Line for 6 months.

We needed to do something to fix these lines. Paul's SafeTrack program is a followup on just that statement. The idea of a control board for Metro. It's been adopted by the Federal City Council. So all of these statements which were inflammatory at the time actually turned—proved out to be what Metro needs. And I have to say, Mr. Congressman, we're not even close to fixing this thing. There is a lot that needs to be done. But I will say this: We are light years ahead of where we were a year ago at this time. Enormous progress has been made.

Mr. BEYER. All right. Thank you.

Mr. Chair, I yield back.

Mr. MEADOWS. I thank the gentleman.

The chair recognizes the gentlewoman from New York, Mrs. Maloney, for 5 minutes.

Mrs. MALONEY. Well, it's good to hear that some progress has been made. But I want to look more closely at the capabilities of the Federal Transit Administration and what it brings to its role as the entity with responsibility for oversight and safety at Metro.

So I'd like to begin with Mr. Welbes. How many safety inspectors does FTA currently have?

Mr. WELBES. So we have a team of 10 people working on our safety inspection. We have 24 people total who are involved in WMATA inspections and oversight right now.

Mrs. MALONEY. So 10 people. And 24, what are the 24? Are they on detail from other agencies?

Mr. WELBES. There's a combination of 13 FTA employees. We also have some contractor employees. We also have some detailees from the Federal Railroad Administration and the Federal Motor Carrier Administration.

Mrs. MALONEY. How many detailees do you have?

Mr. WELBES. I can report that back to you.

Mrs. MALONEY. And do you have any contractors who help perform FTA safety inspection responsibilities? And if so, how many?

Mr. WELBES. I will provide that to you for the record.

Mrs. MALONEY. Okay.

And Chairman Hart, for the purposes of comparison, how many rail inspectors does the Federal Railroad Administration have?

Mr. HART. I'm sorry, I do not have that number. I have to get back to you with that.

Mrs. MALONEY. Okay. Great.

And, Mr. Welbes, when FTA conducts its oversight duties, does it have Federal regulations to refer to or does it regulate Metro based on the standards that Metro has established for itself?

Mr. WELBES. So at this time, we enforce Metro standards. We hold Metro accountable to carry out its standards.

Mrs. MALONEY. Its standards. Okay. And is FTA working on a rulemaking regarding Federal standards for transit operation?

Mr. WELBES. Yes, we are.

Mrs. MALONEY. That's good to hear. And what is the status of that rulemaking?

Mr. WELBES. So in this past year, we've issued four safety regulations: One related to State safety oversight; one related to bus testing; another one that is our national safety program, which is the overall framework for FTA carrying out the new authority that

Congress gave it recently. And then in the coming months on—we have two more regulations we are issuing. One is the Public Transportation Agency safety regulation and a safety certification training regulation that's also ready for issuance.

Mrs. MALONEY. And, Chairman Hart, for the purposes of comparison about FRA, does it hold the railroads it regulates to established Federal rules or to the standards that the railroads establish for themselves?

Mr. HART. Well, let me—there's a clarification I think that's warranted here. Our understanding is that what the Federal Transit Administration is putting out is not regulations but voluntary safety standards. The FRA puts out regulations, which means you must do this or you cannot do that. So I think there is a large distinction there between the two activities. And I'm not sure that under the circumstances where FTA is intending to be a temporary body, I'm not sure under those circumstances they would be eager to create an entire infrastructure with regulations and inspections—inspectors to find out if the regulations are being followed. They're trying to see the States take this function over sooner rather than later. So I'm not confident that they would ever want to create that infrastructure that we think is necessary that the FRA already has.

Mrs. MALONEY. Do you agree with that analysis, Mr. Welbes? Just voluntary, not a real regulation?

Mr. WELBES. In the future, our intent is that there will be certain mandatory standards. There will be also voluntary industry standards that agencies will follow. It'll be a combination.

Mrs. MALONEY. Well, certainly with Homeland Security, do you have standards in Homeland Security that are Federal?

Mr. WELBES. Yes.

Mrs. MALONEY. You do.

I want to look at FTA's day-to-day oversight of Metro. Mr. Welbes, how many FTA inspectors are assigned to oversee safety at Metro?

Mr. WELBES. So we have, as I noted, a team of 24 people total in our Washington Metro safety office which we established a year ago.

Mrs. MALONEY. Okay. And do FTA inspectors produce regular reports on their findings at Metro for review by senior officials? And how often are these reports produced? Who reviews them? And has FTA ordered any specific changes in Metro's operations to respond to findings that have been identified by these inspectors?

Mr. WELBES. We have. We've done two things. We've done targeted investigations of key problem areas. For example, red signal overruns, track maintenance. And then we also have conducted day-to-day inspections. So we've conducted over 300 daily inspections. And they've resulted, as Mr. Wiedefeld will know, in—I believe on the investigation side, 251 specific corrective actions that WMATA's supposed to carry out. And of those, some of them are ones we brought forward that had been assigned by the State safety oversight agency. About half of them are ones we've identified during the past year.

Mrs. MALONEY. My time has expired.

Mr. MEADOWS. I thank the gentlewoman.

The chair recognizes the gentlewoman from Virginia for a very quick 1-1/2 minutes since they've called votes.

Mrs. COMSTOCK. Okay. How many people—actually, I wanted—the information you provided with us earlier is that there are 5—about 5,000 employees in the transit infrastructure and engineering services that ties department of Metro. And my understanding is that—that comparable transit networks have about 19 of those employees per track mile and Metro has 42, according to those statistics. Would that be correct?

Mr. WIEDEFELD. I don't know. I would have to look at that. I just don't know.

Mrs. COMSTOCK. Okay. Could we get that information? Because I think what we really need to have and what we haven't been able to get is how do we—I know you've said we're doing—it's costing more and we're doing less. And we need to get comparable data. And I know Mr. Evans has said to me in private meetings that the contract is unsustainable, and having \$100,000 bus drivers or \$216,000 controllers are a very difficult thing. I'm sure your teachers in D.C. don't make \$216,000. My husband is a teacher—was a teacher in Fairfax County. I can assure you, did not make that. Does not make \$100,000, our teachers don't in Fairfax. So this wealthy county that has been referenced, their teachers, their firefighters, their police are not making \$216,000 or \$100,000. And these are people who often have graduate degrees and others. So I'd like to get that comparable data, and we need to have that.

But I'd also like to—given Mr. Jackson's comments today saying that people are forcing them to falsify things, those are very serious charges. And I think we need names and information on that. And you very factually stated that. So I would hope you would present us with facts that back that up. You are here under oath today. And I think it's incumbent if you have employees—because, you know, if your employees are being exploited like this, we need to have that information. So I would ask you to provide us names and places and incidents, and go back to your employees and give us that information.

And then I'd like to make my request again, and I hope you would be able to take us sort of on a tour, so we understand when your employees are called to do these—whether it's 42 per mile and what—and I should also point out that these are people who—from the APTA data that we have, compared to what Metro is paid, your workers are paid considerably higher—you are aware of that, Mr. Jackson, right—than the average?

Mr. JACKSON. I know that what our workers make were—their salaries were negotiated with WMATA.

Mrs. COMSTOCK. I understand they were negotiated. But, for example, the track workers who with their benefits make \$55 an hour is comparable to the average of \$30 an hour. The wage an hour rate is \$36, then benefits are \$17. The Davis-Bacon track laborer makes \$23 and then \$7 with fringe benefits for \$30. So your employees are paid more—considerably higher than Davis-Bacon and higher than the national average. Would you agree?

Mr. JACKSON. Well, I will agree that our employees also have to go behind those same contractors and redo the work that they have done.

Mrs. COMSTOCK. Well, so you're saying even though you have 42 miles—workers per track and as opposed to 19, you still aren't able to—and you're paid more. So my—I mean, from—I'm looking at the data that Metro gave me. These employees are paid more and there's more of them than the average. And yet you're not acknowledging that?

Mr. JACKSON. Well, are you asking for the quality of the work?

Mrs. COMSTOCK. No. I'm asking for the salaries. So maybe if you could provide me, your union, with that—I mean, I know your union's under investigation right now by the Labor Department. Is that correct?

Mr. JACKSON. We are not under investigation by the Labor Department.

Mrs. COMSTOCK. Well, they've sued about the—the election wasn't properly held. Is that correct?

Mr. JACKSON. Yes.

Mrs. COMSTOCK. But do you have somebody who could provide us with the information on the salaries and all that that—because you've made claims that you're paid, I think publicly outside of this hearing, that you aren't paid more than the average and that there's some—and you're asking for considerable salary increases, is that correct, in your current negotiations?

Mr. JACKSON. We're in contract negotiations now. And that's what they are. They are negotiations.

Mrs. COMSTOCK. Okay. So for this 55—\$53 an hour, you're asking for more.

Mr. JACKSON. We're asking for more. The Authority is also asking for more. So that's why it's called negotiations. We will negotiate with the Authority, and we will come up with something that I believe will be fair for everybody.

Mrs. COMSTOCK. Okay. Well, I think again I would reiterate, that's why the Federal City Council has pointed out this is unsustainable given the costs that are not comparable to the national rates and why we need to get rid of this existing compact and the binding arbitration that makes it impossible for the leadership here to really implement what you're asking them to implement.

I thank the Chairman.

Mr. MICA. [Presiding.] I thank the gentlelady. I thank our witnesses. We do have an opportunity to make Metro great again. I think this panel is in very good hands. Some of you may wish one of these days that Congressman Mica was back chairing these hearings.

There being no further business before the committee and the dual subcommittees, Government Operations and Transportation Oversight, this hearing is adjourned.

[Whereupon, at 11:28 a.m., the subcommittee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

STENY H. HOYER
 DEMOCRATIC WHIP
 5TH DISTRICT, MARYLAND



Congress of the United States
House of Representatives
 Washington, DC 20515-6502

December 2, 2016

Statement for the Record by Congressman Steny H. Hoyer (MD-5) before the House Oversight and Government Reform Subcommittee on Transportation and Public Assets and the Subcommittee on Government Operations on WMATA's Safety and Maintenance

I thank the Committee for holding this hearing. I represent thousands of Marylanders who use Metro every day to commute to work and access services across the WMATA network. They need assurance that trains will be safe and reliable. Even as we have seen some portions of the SafeTrack program completed, we continue to experience problems when it comes to safety and reliability. That is unacceptable, and failure of the Metro system, so important to our region's economy, is not an option.

In the short term, WMATA must deal with the years of deferred maintenance that has led to dangerous incidents, disrupted commutes and the conduct of business across the region, and hindered access to tourists visiting our nation's capital. Over the long term, all of the stakeholders in Metro's future success need to come together to ensure that WMATA's financing and management structure will make it a sustainable institution that provides the high level of service riders expect. This will require that Metro's board and its employees participate in finding solutions to WMATA's long-term challenges.

While I have been impressed with Paul Wiedefeld's customer-driven, no-nonsense approach to managing WMATA, I believe that it will take more than the influence of one leader to turn around this system. The work of meeting Metro's challenges will not be achieved overnight. But we must begin making noticeable progress right away for those who depend on the WMATA network on a daily basis.

Of course, the Congress and next administration have a responsibility to ensure that WMATA, which serves not only Greater Washington area residents but all those coming to our nation's capital, has the resources to execute its maintenance plan. The infrastructure challenges facing WMATA are not unique and, in fact, typify the state of infrastructure in our country today after years of refusal by Congress to address long-term infrastructure needs through legislation that repairs and modernizes crumbling and inefficient transportation networks. I will continue to work with the Committee and Members of Congress from across our region on improving the safety and reliability of the Metro system, and I thank the Chairman and Ranking Member for the opportunity to share my thoughts as part of this hearing."

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**Van Hollen Testimony on Oversight Subcommittee on Government Operations and
Subcommittee on Transportation and Federal Assets Joint Hearing on:
A SAFE TRACK?: OVERSIGHT OF WMATA'S SAFETY AND MAINTENANCE
December 2, 2016**

Chairman Meadows, Ranking Member Connolly, Chairman Mica, and Ranking Member Boyle, thank you for the opportunity to submit testimony for this hearing on the Washington Metropolitan Area Transit Authority's SafeTrack program, and for your continued attention to the health and safety of America's Subway. It is critical that we in Congress take a clear-eyed view of the challenges at WMATA and do our part to encourage and support improvements that benefit our constituents and federal employees who depend upon it to move around the Capital region.

SafeTrack has been a deeply disruptive process for my constituents and thousands in the DC metropolitan area, including all of our constituents who visit the city. They have endured long wait times, crowded trains, and unexpected delays. As anticipated, the planned schedule alterations were exacerbated by other mechanical difficulties and incidents in the system, including malfunctions in the 4000 series rail cars.

WMATA has justified these disruptions with promised improvements to service, safety, and reliability from the extensive overhaul in the SafeTrack maintenance plan. Riders have been assured that this pain, while acute, will be temporary and will ultimately be worth the sacrifice. WMATA must be transparent and honest in its assessment of SafeTrack's progress, where there have been gains and where there is still more to do, and what riders can reasonably expect going forward. The trust that has eroded in Metro over several years of uneven and unreliable service and unacceptable accidents and errors cannot be rebuilt in a year, and will not be rebuilt unless WMATA shares its analysis and planning.

I appreciate the efforts that Mr. Wiedefeld has taken to confront the many issues at WMATA, shine a light on problems that have festered for years, and prioritize system safety. These efforts must continue. Just yesterday, the National Transportation Safety Board released its report on the July 29th derailment of an in-service passenger train that indicated that track inspectors and supervisors knew about the problem on the rails and failed to fix it. That is absolutely unacceptable, and there must be consequences for such dangerous failure.

My colleagues and I in the Washington, D.C. regional delegation and the members of these subcommittees recognize the enormous challenges facing WMATA, from systemic issues within the agency to an incredible budget shortfall that is only exacerbated by the drop in ridership. As a nation, we cannot afford for WMATA to fail. Our nation's capital deserves a first-class metro

system. As a major user of Metro, the federal government must do its part, both financially and through oversight. That begins with our capital investment in safety improvements and maintenance, and, within the region, must include planning for dedicated funding to support ongoing operations. But every dollar invested must be earned with transparency and accountability to restore rider confidence and ensure that Metro can safely move its customers around the region.

I look forward to continuing to work with all of you on this critical mission, and thank you again for holding today's hearing.



February 7, 2017

The Honorable Mark Meadows
Chairman, Subcommittee on Transportation
and Public Assets
House Committee on Oversight and
Government Reform
2471 Rayburn House Office Building
Washington, D.C. 20515

FEB 08 2017

The Honorable Gerry Connolly
Ranking Member, Subcommittee on
Government Operations
House Committee on Oversight and
Government Reform
2471 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Meadows and Ranking Member Connolly:

Thank you for the opportunity to discuss my priorities as General Manager of the Washington Metropolitan Area Transit Authority (WMATA) with the Members of the House Committee on Oversight and Government Reform during the joint subcommittee hearing on December 2, 2016. I look forward to working with you to ensure that the nation's capital is served by a safe and reliable transit system.

I am writing to respond to questions posed by Members of the Committee during the hearing and the January 24, 2017, letter from Chairman Meadows with additional questions for the record.

Questions Posed During the Hearing

1. **Congressman Mica requested an update on the cellular and radio project.**
 - a. Please see our detailed response to this question below.
2. **Congressman Mica requested the percent of maintenance that is contracted.**
 - a. Please see our detailed response to this question enclosed.
3. **Congressman Grothman requested information on how much WMATA spends on health insurance per employee per year.**
 - a. Please see our detailed response to this question below.

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- 4. Congresswoman Comstock asked for a comparison of the number of employees per track mile at WMATA as compared to other transit properties.**

a. Please see our detailed response to this question below.

Questions for the Record Submitted by Chairman Meadows

- 1. WMATA recently announced the “Back2Good” program as a successor to the current SafeTrack program. In announcing the program, Mr. Wiedefeld asserted that WMATA would shift its attention from track maintenance to upgrading and repairing WMATA’s railcar fleet.**

a. **In light of the National Transportation Safety Board’s findings on the cause of the July 29 East Falls Church Derailment, as well as the track safety-related issues highlighted during the hearing, will WMATA continue with the planned shift from focusing on track maintenance?**

- i. My number one priority is safety. WMATA will never shift its focus from providing a safe Metrorail system. SafeTrack is a year-long maintenance program, which is bringing Metrorail tracks and structures into a state of good repair by eliminating safety hazards, increasing service reliability and improving the ride quality of the system. At the conclusion of SafeTrack the Metrorail system will be safer and more reliable, but significant work will remain. That is why, on November 3, 2016, my staff and I presented the WMATA Board of Directors with an industry standard preventive maintenance plan. This robust plan, which is provided as an enclosure, will ensure that improvements to the Metrorail system under SafeTrack are maintained. The plan and the new hours of service will also allow WMATA to continue to make critical repairs and address National Transportation Safety Board (NTSB) and Federal Transit Administration (FTA) recommendations. The Back2Good program does not represent a shift in focus from safety or track maintenance. Instead, it is a renewed effort to address other critical safety and service issues that impact our customers. These include red signal overruns, enhanced roadway worker protection, cellular and radio service in the tunnels, delays from railcar failures, and cleanliness of the rail stations, among many others. The full plan is available online at www.wmata.com/back2good and the detailed white paper on the plan is provided as an enclosure. Finally, the Back2Good and preventive maintenance plans are complimentary plans designed to continue to improve safety as well as the customer experience.

b. Please provide a detailed assessment of the current state of track maintenance as well as the projected status at the end of SafeTrack.

- i. On October 13, 2016, the WMATA Board was presented with a detailed report on work completed under the SafeTrack program. That report is provided as an enclosure. Since the publication of the report, the SafeTrack program continues and the remaining surges were announced on January 12. Highlights of the work completed to date include:

- Work is on schedule and productivity rates have met or exceeded planned.
- 11 of the 15 SafeTrack surges have been completed.
- Over 28,000 ties have been replaced, more than done in any of the past 3 years.
- Over 20,000 fasteners have been replaced.
- By the end of SafeTrack, over 50,000 ties will have been replaced, reducing the number of defective ties to under 5,000.

Track-related delays were down seven percent in 2016, including delays caused by smoke, fire or arcing insulators (compared to previous year). In addition, nearly 1/3 of all track in the Metrorail system was refurbished under the SafeTrack program at the end of 2016.

In addition, WMATA provides detailed progress reports on each SafeTrack surge and those reports are available at www.wmata.com/safetrack.

The SafeTrack program is scheduled to conclude in late June, after which, we will shift to a regimen of preventive maintenance. We will resume around-the-clock SafeTrack surge work February 11th with an 18-day shutdown on the Blue Line between Rosslyn and Pentagon stations. This will be the last line segment shutdown with the remaining four surges consisting of continuous single tracking on the Blue/Yellow, Green, Orange and Red Lines, respectively.

Our goal is to be completely transparent about the challenges WMATA faces and the work we are doing to address those challenges. WMATA will continue to provide progress reports

on the remaining SafeTrack surges as well as public updates to the Board and Congress.

c. Please provide a complete list of track and rail infrastructure related incidents that have occurred since the start of SafeTrack, including but not limited to, arcing incidents, track gauge discovered in excess of WMATA required standards, and tracks discovered to be in a state of disrepair.

- i. Although six months is too short of a time frame to compare, rail infrastructure delay incidents were down seven percent in CY2016 when compared to CY2015. Please see the enclosed spreadsheet that identifies both track and rail infrastructure incidents and delays between June and December. During this time frame we have completed 11 surges to repair deteriorated track components and eliminate the back log. We have also changed the track inspection process which has resulted in a more rigorous identification of defects, which is improving the safety of our system. Please see the enclosed "Congressional Inquiry Track Incidents" for a detailed response.

d. Please provide a complete list of all train delays caused by track or rail infrastructure since the start of SafeTrack.

- i. Please see the enclosed "Congressional Inquiry Track Incidents" for a detailed response.

e. What types of maintenance and repairs will be made to WMATA'S railcar fleet during the Back2Good program?

- i. The "Get Well" plan for railcars under the Back2Good program consists of the following:
 - I. All 1000 Series cars will be retired before December 2017.
 - II. Accelerate retirement of least reliable (4000 Series) cars – all 100 removed from service by end of 2017.
 - III. Released from the burden of bellying and operating with the least reliable cars, rebalance rail yards to have the right number of trains per line for the start of service every morning as well as the afternoon peak.
 - IV. Begin operating same series consists to improve train line performance.
 - V. Complete component fixes on legacy fleet – 2000, 3000, 5000 and 6000 Series cars, including HVAC,

propulsion systems, and pneumatic brakes to reduce train offloads.

- VI. Finish replacing carpet with resilient flooring on 6000 Series cars.

The Railcar Get Well Plan will reduce passenger offloads and cut delays due to train car issues by 25 percent in 2017. The entire Back2Good plan is provided as an enclosure.

f. What metrics does WMATA plan to use to evaluate the effectiveness of the Back2Good program?

- i. In January, 2016, WMATA adopted a new way of measuring on time performance. The intention is to utilize SmarTrip® data to more accurately reflect the customer experience. Metro is the first transit system to measure subway performance by passenger "travel time". Previously, Metro measured performance by the flow of trains. Under the new system, we are using data from hundreds of thousands of SmarTrip cards to record how long it takes for riders to travel between stations, compared with how long the trips ideally should take. A detailed description of this performance measurement metric is provided as an enclosure.

Under Back2Good, Metro is aware that performance will be critical to increasing ridership. We plan to be as transparent as possible about how we are doing. The plan was announced with a special website: "How Is Metro Doing?" (<https://www.wmata.com/about/back2good/role.cfm>). There, customers can see WMATA's performance in a variety of areas. Going forward, the plan will reduce passenger offloads and cut delays due to train car issues by 25 percent in 2017. Metro will be transparent about the metrics used to track improvements.

Another key measure is the "My Trip Time" feature, which allows SmarTrip customers to measure their individual daily trip time on Metrorail. Riders with a registered SmarTrip card can access the MyTripTime feature by logging into their accounts at www.wmata.com/smartrip. WMATA also publishes quarterly public updates on performance, known as the "Vital Signs Quarterly Report". The most recent vital signs report for the third quarter of 2016 is provided as an enclosure.

As stated in the Back2Good White Paper, which is provided as an attachment, we will be tracking the customer experience as

the Back2Good initiatives move forward next year. Improved ratings by the end of 2017 will demonstrate that Metro is getting Back2Good.

g. What percentage of passenger delays are currently caused by railcar fleet related problems as opposed to track integrity or rail infrastructure?

- i. Sixty percent of all rail delay minutes are caused by railcars. On January 12, 2017, the Board's Customer Service, Operations and Security Committee received a briefing on Metro's program to improve train reliability for customers. That presentation, which includes more details on this issue, is provided as an enclosure.

h. What track maintenance does WMATA anticipate performing inside the Washington, D.C. core?

- i. While SafeTrack has enabled WMATA to take a significant step forward in reducing backlogged maintenance, routine and preventive maintenance is an ongoing need, as it is for all other transit properties. These programs as well as the new preventive maintenance programs are system-wide and will be performed throughout the system including the core of Washington DC.

2. What track and rail maintenance efforts does WMATA anticipate upon completion of SafeTrack?

a. Please provide a detailed plan for how WMATA intends to address track maintenance and state of good repair work post-SafeTrack?

- i. Please see the detailed Overnight Maintenance Window plan that is provided as enclosure 1-A.

3. WMATA recently announced support of a proposed reduction in service hours in order to increase the window when track maintenance can be completed without impacting passenger service.

a. Please provide a plan as to how WMATA will utilize this increased maintenance window to ensure that track maintenance is done in an efficient and effective manner.

- i. Please see the detailed Overnight Maintenance Window plan that is provided as enclosure as enclosure 1-A.

b. What metrics will WMATA use to evaluate the performance of track maintenance crews during the increased maintenance window provided by the reduced service hours?

- i. The Overnight Maintenance Window plan provided as enclosure 1-A discusses this issue in detail. In order to ensure these new PM programs deliver the intended results, Metro will take advantage of the additional eight hours of non-passenger service to carry out a robust Quality Control (QC) and Quality Assurance (QA) program. Metro's Track and Structures (TRST) department is currently building a Compliance Office, which will be responsible for performing quality control functions over work performed in the field. In addition, as demonstrated during SafeTrack, Metro will continue to carry out QA sampling of work performed in the field. During SafeTrack, Metro built a robust QA function. The QA function, carried out by the Quality and Internal Compliance Office (QICO), currently sends weekly field audit reports directly to the General Manager. Under this proposal, extending non-passenger hours will enable Metro to continue QA activities over track work after SafeTrack.

c. What metrics will WMATA use to evaluate whether reduced hours are necessary following the two-year period of time authorized by the WMATA board?

- i. Preventive maintenance will always be necessary to deliver the reliability our customers and stakeholders deserve. We will track the progress of the preventive maintenance programs and their effect on increasing reliability to evolve them to better serve our system's needs. In addition, WMATA will be exploring new technical solutions to improve efficiency of both the work crews and track utilization to minimize the track time required to execute these programs. At the end of the two-year period authorized by the Board, it is our expectation that the Metro Safety Commission (MSC), which is being established, will present information to the Board so they may make an informed decision as to the options to balance service hours with safety and reliability.

4. Within 30-days, please provide the Committee with an action plan for how WMATA intends to address the continued lack of an appropriate safety culture among WMATA employees. Included in this action plan, please provide four (4) steps that WMATA can take to better coordinate with FTA and the Unions to address WMATA's safety and maintenance issues, as well as the continued declines in ridership rates on the WMATA rail system.

As stated in the General Manager's "Safety Trumps Service" message that is continuously communicated to all employees,

nothing comes before safety at our agency. Every decision a Metro employee makes should put safety ahead of operational concerns; including on time performance, schedule adherence, convenience and cost efficiency. To achieve this goal we are holding every single manager accountable for his or her own safe actions, the safety of his or her team and passenger safety. This means that managers must hold themselves accountable and their staff accountable for making safe decisions every day. No work rule, collective bargaining agreement or agency past practice takes precedence over safety.

Changing a Safety Culture is a continuous process that does not reach an end, nor is there a simple remedy to fix this problem; however, at WMATA, we are fully committed to changing the safety culture and although we are starting to see gradual change, we realize that there is still a great deal of work to do. In order to improve our Safety culture there are several key actions that we are taking to improve Passenger Safety, Employee Safety, Operational Safety and implementing an Organizational Safety Culture change. Below are specific examples of how WMATA is engaging both internal and outside entities, who are critical partners in this mission.

- **Passenger Safety:** Our train operators properly performing their duties are essential to safeguarding the riding public. As such, WMATA has taken several actions to aid in improving and monitoring the actions of operators. We are currently in the process of developing and implementing technology on our railcars that will reduce the likelihood of a train operator from inadvertently passing a red signal. In addition, we have performed an analysis of these incidents and have completed the installation of LED lighting in signal masts at high incident locations to increase the conspicuity of signals. We have (1) revised our training to include route familiarization for train operators, (2) implemented a more robust Efficiency Testing Program that monitors and identifies train operators adherence to operating rules pertaining to safety critical tasks such as stopping for red signals, and execution of proper door operations, and (3) introduced technology that identifies and flags over-speeding incidents.
- **Employee Safety:** WMATA has recently received approximately \$2 million dollars from the FTA to pursue

Roadway Worker Protection (RWP) Technology that provides dual communication between train operators and roadway workers. The technology is intended to prevent employees from being struck by moving rail vehicles. The successful implementation of this technology will satisfy an open NTSB recommendation. In addition, we are requiring select operating employees to be National Incident Management System (NIMS) trained to aid them in managing significant incidents.

Employee bus operator assaults were down 14 percent in 2016, when compared to 2015, with a total of 75 assaults. Over 70 percent of the assaults started with a verbal dispute or fare evasion. The Metro Transit Police Department (MTPD) has worked diligently over the last two years, addressing problematic routes and listening to operators at Town Hall meetings. There are three categories that account for two-thirds of the assaults: punched/pushed, expectorate upon, and a liquid/object thrown on the operator. Finally, when you break the assault down by jurisdiction, the majority are occurring in the District of Columbia. The MTPD has partnered with the bus operations department and has started a pilot program on one of the routes with improved CCTV coverage. Although the pilot is not quite a year old, the early results are showing reduction in criminal related incidents and an increase in revenue. MTPD will continue to develop strategies to reduce operators from being assaulted and will look for other barriers, like shields and other technology solutions to protect operators.

- **Operational Safety:** WMATA has recently implemented several initiatives to improve operational safety and system reliability. The SafeTrack program primarily concentrates on the renewal of wayside track components such as rail ties and fasteners to bring these assets up to a state of good repair. WMATA is also concurrently focusing on our rail vehicles and has made progress in several areas. We have conducted a performance reliability study of our Class 1 revenue fleet and identified the 4K series cars as having the most frequent door, propulsion and brake problems. Based upon this analysis, and with the concurrence of

the NTSB, we have elected to retire this portion of the fleet, which will improve fleet reliability and improve the customer experience. In addition, WMATA has implemented several component replacement programs that are intended to minimize frequent failures, such as door problems, that drive down car availability. We are also improving our Traction Power System. After experiencing significant porcelain insulator failures within passenger stations, WMATA has replaced all porcelain insulators in underground stations with fiberglass insulators to mitigate this hazard. In addition, our workforce has addressed the quality assurance issues on 100 percent of cable connectors (orange boots) in the underground portions of the system and 99 percent of all cable connectors on mainline track system wide, which was identified by the NTSB as a serious safety concern. In addition, WMATA has also identified instances where cables making connections with the concrete roadbed has resulted in arcing events and developed a prioritized action plan to address this concern, which should be completed by mid-summer of this year. WMATA believes that greater system reliability and our exemplary performance during high profile events such as the Presidential Inauguration and the Women's March on Washington promotes rider's confidence in the system. We believe improved system reliability coupled with increased customer confidence will help increase ridership.

- **Organization Safety Culture:** Currently the Chief Safety Officer and the Chief Operating Officer are working with Senior Leadership of Local 689 to develop an agreed upon safety program that promotes a cooperative spirit, elicits greater employee engagement, provides structure to the various safety meetings held at all levels, provides appropriate safety training, tracks safety issues to conclusion, as well as empowers and encourages the workforce to identify and remedy safety issues. WMATA is also committed to providing training specific to conducting Divisional Safety Chair Committee duties to Union members.

On January 26, 2017, at the invitation of WMATA's Department of SAFE, the FTA delivered a Safety Management System (SMS) presentation to the WMATA Safety Committee Board

Members, which was well received. That presentation is provided as an enclosure. WMATA is committed to adopting the principles of SMS, which is a formal, top down, organization-wide, data-driven approach to managing safety risk and assuring effectiveness of safety risk mitigations. The four key elements of this program are Safety Management Policy, Safety Risk Management, Safety Assurance and Safety Promotion. WMATA is currently hosting several FTA sponsored SMS classes and has sent invitations to the senior leadership of our unions (local 689 and local 922) to attend this training side-by-side with members of management.

To learn best practice and gain industry insight, we requested and worked with the American Public Transportation Association (APTA) on peer reviews of critical areas such as our Track Inspection practices, the elements of our Traction Power System, and activities performed at the Rail Operations Control Center (ROCC). WMATA is working toward implementing the recommendations provided by APTA.

5. WMATA recently announced the conclusion of its East Falls Church derailment investigation. Please provide a copy of all materials produced as a result of the investigation, including but not limited to, a copy of the inspection report, and any witness interview records made during the investigation.

- i. Please see the enclosed document "Update on East Falls Church Interlocking Derailment". The inspection report is under review by the Federal Transit Administration (FTA) and we will provide a copy upon completion of FTA's review. WMATA is unable to provide witness interview records due to the sensitive nature of law enforcement and personnel information.
- a. **Please provide a time and date during which WMATA investigation staff, as well as MTPD staff, can be made available to brief committee staff on the investigation.**
 - i. While WMATA investigative staff have completed their review of this incident, WMATA is unable to provide a briefing. As the Committee is aware, personnel actions have been taken as a result of this incident and the Metro Transit Police Department (MTPD) conducted an investigation and provided the results to local law enforcement. Though WMATA's investigation is currently closed, it is necessary to ensure the results are not compromised in the event that new information should become available.

b. Please provide the name of the law firm contracted by WMATA to conduct the investigation.

- i. WMATA retained Schulte Roth & Zabel LLP to support the internal administrative review and investigation.

6. Please provide the entire schedule of completion for the wireless service deployment.

- i. As you know, the Passenger Rail Investment and Improvement Act (PRIIA) requires WMATA to ensure cellular phone service throughout the system, including the underground tunnels. WMATA and the wireless carriers worked together on the first phase of the project and currently all 91 Metrorail stations (including 47 underground stations) provide customers with access to cell phone service.

Under the agreement between WMATA and the wireless carriers, the project is being advanced using Metro-managed workers thereby yielding cost and efficiency benefits. Metro is installing the necessary cable for the cellular and radio systems at the same time, while prioritizing other safety-critical maintenance work for tracks, switches, signals and structures.

Following extensive engineering and project tests in the Glenmont tunnel section of the Red Line, WMATA has rolled out a complete project schedule. Recognizing that the carriers have ownership and installation responsibilities to initiate cell phone service, service will be turned over to the wireless carriers as each tunnel segment is completed, meaning that riders will notice incremental improvements in coverage as the project moves forward. The installation of cellular cable in all underground tunnel segments will be completed by the end of 2020.

I am pleased to inform you that WMATA met its first deadline to complete infrastructure installation in the tunnels between Potomac Avenue and Stadium Armory. The full installation schedule is provided below:

Activity	Line	Start Infrastructure Installation	Infrastructure Installation Complete	Cell Phone Availability	Radio Availability
Glenmont to Silver Spring	RD	1/2/16	3/31/17	4/28/17	8/21/18
Potomac Ave to Stadium Armory	BL/OR/SV	7/15/16	10/31/16	11/30/16	10/30/18
Metro Center to Potomac Ave	BL/OR/SV	4/1/17	8/8/17	9/8/17	10/30/18
Benning Rd to Largo Town Center	BL/SV	8/9/17	9/18/17	10/20/17	10/31/18
College Park to Gallery Pl	GN/YL	9/19/17	4/17/18	5/31/18	12/31/18
Union Station to DuPont Circle	RD	4/18/18	7/2/18	8/31/18	4/8/19
Metro Center to Rosslyn	BL/OR/SV	7/3/18	8/16/18	9/30/18	5/2/19
Rosslyn to Ballston	OR/SV	8/17/18	11/11/18	12/30/18	7/26/19
Pentagon to King St	BL/YL	11/12/18	2/28/19	4/30/19	9/8/19
Gallery Pl to Southern Ave & Suitland to Branch Ave	GL/YL	3/1/19	9/8/19	11/15/19	1/22/20
DuPont Circle to Medical Center & Grosvenor to White Flint	RD	9/9/19	5/4/20	6/30/20	10/30/20

7. Please provide WMATA's health insurance costs per employee per year.

- i. WMATA-sponsored Medical Plans cover 9,575 employees. Employees can choose between a variety of plans that offer different coverage levels, physician networks, copayments, and deductibles. WMATA also offers employees the option of participating in a Flexible Spending Account (FSA). Health insurance coverage for represented employees is governed by the contract with the relevant union. Recently, WMATA increased deductibles, out-of-pocket maximums and cost sharing for non-represented employees to reduce costs. These changes went into effect as of January 1, 2017.

On average, the cost of employee insurance is \$13,270 per enrolled employee (active employees with health insurance).

This also responds to an identical question posed to WMATA during the hearing by Mr. Grothman.

8. Please provide data on the cost of operation, including revenue generated, for each line and station in the system.

- i. The total cost to operate and maintain the Metrorail system in FY2016 (Metro's most recent complete fiscal year) was \$1.013 billion. This includes all personnel and non-personnel costs (including services, materials and supplies, propulsion and utilities, casualty and liability, and other expenses), and includes Metrorail's share of overhead and administrative costs such as HR, finance, IT, and other support services.

Metro operates six lines (Red, Orange, Blue, Yellow, Green, and Silver) that provide service to 91 rail stations across the Washington region. The average total rail operating cost per station is \$11.1 million (\$1.013 billion / 91). However, this figure includes not only station-specific costs (such as station manager staffing, lighting, janitorial services, station maintenance, and fare vending and collection), but also the much more significant costs of rail operation, vehicle maintenance, track and system maintenance, safety and security, and other expenses. In general, given the interlined nature of the Metrorail system (i.e., most stations are served by two or more lines), Metro cannot allocate operating costs to specific lines or stations.

Total revenue associated with Metrorail in FY2016 was \$696 million. The primary revenue sources are passenger fares and parking fees, but revenues from advertising, joint development, fiber optics, and other sources are also included. As with costs, Metro does not assign revenues to specific lines or stations, particularly since Metro's rail fares are based on distance traveled and approximately one-third of passengers transfer between rail lines to complete trips. However, the attached table provides a summary of total exits by station in May 2016 (May is a "typical" month for Metrorail) in order to demonstrate the differences in utilization across the 91 stations in the system.

9. Please provide the number of Metro employees in transit infrastructure and engineering services per track mile. Per Ms. Comstock's request, please also provide the total number of Metro employees per track mile.

The following chart is a comparison of the number of employees per track mile at WMATA as compared to other transit properties. WMATA does not have information from other transit properties and this chart is based on data published in the National Transit Database of the Federal Transit Administration. Employee numbers do not include engineers, administrative personnel, supervisors, and other non-maintenance staff.

Agency	Full Time Non-Vehicle Maintenance Employee Count	Total Track Miles	Employees per Mile
Port Authority Trans-Hudson Corporation	513	43	11.9
MTA New York City Transit	9821	833	11.8
Washington Metropolitan Area Transit Authority	3198	292	10.9
Massachusetts Bay Transportation Authority	623	108	5.8
Metropolitan Atlanta Rapid Transit Authority	452	104	4.4
Miami-Dade Transit	252	58	4.3
Los Angeles County Metropolitan Transportation Authority dba: Metro	144	34	4.2
Staten Island Rapid Transit Operating Authority, dba: MTA Staten Island Railway	126	32	4.0
Chicago Transit Authority	1031	288	3.6
Maryland Transit Administration	110	34	3.2
Southeastern Pennsylvania Transportation Authority	317	100	3.2
The Greater Cleveland Regional Transit Authority	120	42	2.9
Port Authority Transit Corporation	96	38	2.5
San Francisco Bay Area Rapid Transit District	641	268	2.4

10. Please provide the salaries of WMATA employees.

- a. Please provide the rules for salaries and overtime set under the union contract, the high, low, average, and median salaries and the average overtime pay and hours and high overtime pay and hours for each position at Metro (e.g. station manager, train operator, custodian, etc.)**
 - i. Please see the enclosed documents for a detailed response.
- b. Please provide a list of the salary, overtime pay, total compensation, and hours worked for the 20 employees receiving the most overtime pay in the most recent year that data is available for.**
 - i. Due to the volume of data, we will provide a response by Friday, February 17.
- c. Please provide a list of the salary, overtime pay, total compensation, and hours worked for the ten highest paid Local ATU 689 employees.**
 - i. Due to the volume of data, we will provide a response by Friday, February 17.

11. Please provide information on the SafeTrack workforce including:

- a. What percentage of work under SafeTrack will be completed by Local ATU 689 Employees?**
 - i. It is difficult to assess a percentage of total work under the program as each surge is different. In general, we fully utilize the Local 689 crews and supplement with contractors. Therefore, in larger work areas where more crews can be mobilized, the contractors provide an elastic workforce that can provide 2-3 additional crews, reducing the percentage done by Local 689. Furthermore, WMATA forces execute the more challenging track work, such as switches, rail replacement and tamping and surfacing, making a direct comparison difficult. Overall, contractors have performed approximately 50 percent of the track work.
- b. What percentage of work under Safetrack will be completed by outside contractors?**
 - i. Please see the response to question 11a above.

c. What is the difference in hourly wages between the two groups mentioned above?

- i. The contractors are generally paid on a unit-rate, so their hourly wages are not directly comparable to Local 689.

d. What is the total labor cost savings or overruns by using outside contractors instead of Local ATU 689 Employees?

- i. Schedule is the primary driver for the SafeTrack program, expediting the return of our track infrastructure to a state of good repair. The use of more outside contractors would have delayed the start of the program until the procurements could be completed. The use of fewer contractors would have extended the time required for each surge to complete the same amount of critical track work. Surges cost approximately \$100,000 per day in support costs, plus \$100,000-200,000 per day in lost fares. The cost of extending the surge would significantly outweigh any potential savings for time impacts of adjusting the mix of contractor and Local 689.

e. Can Metro provide examples of incidents where work done by outside contractors had to be re-done by Local ATU 689 Employees which are cited in Mr. Jackson's written testimony to the committee for this hearing?

- i. Metro is not aware of any examples of work done by contractors having to be re-done by Local 689. SafeTrack is utilizing contractors to supplement our forces rather than the traditional contracting approach of carving out a separate, defined scope so there have been several instances where the 689 and contractor forces have been blended to improve efficiency. The comingled work could lead to the impression that 689 crews were completing the work of the contractors, however, that is a function of their scope and not the quality of the work.

12. Please provide a list of dates available for members and staff to attend an infield review of track work inspections and maintenance, requested by Ms. Comstock.

a. Please provide information on any training and any other prerequisites which Members and congressional staff must complete in order to participate in such a review.

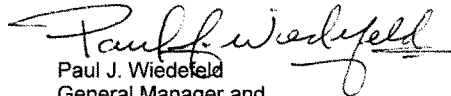
- i. We appreciate the interest in visiting the field and getting an up close look at the work. We may be able to accomplish the objective in the field without being on the right-of-way

Chairman Meadows and Ranking Member Connolly
Page 18

(roadway) directly. However, in order to access the roadway, it is necessary to take a Roadway Worker Protection (RWP) training class and pass two tests. The training, RWP 1, will permit limited access accompanied by senior qualified personnel, to the roadway. RWP 1 is an 8-hour class with a pre-test and multiple post-tests, including a practical assessment. Passing grade for the Cardinal Rules test is 100 percent and the passing grade for the general information test is 84 percent. The practical physical assessment is pass/fail. An annual refresher is mandatory to maintain certification. Individuals accessing the roadway should be without physical limitations that would prevent them from walking a minimum 50 yards over uneven surfaces and be able to step-over uneven terrain and other structures such as the third-rail. WMATA provides personal protective equipment (PPE), excluding required safety footwear. Composite toe safety boots with ASTM F2413-11 and EH designation are required and must be purchased individually.

I look forward to continuing to work with you and the Members of the House Committee on Oversight and Government Reform to restore the Metrorail system. If you have additional questions, please ask Congressional staff to contact WMATA's Congressional Relations Officer, Scott Goldstein, at sgoldstein@wmata.com or 202-962-1333.

Sincerely,



Paul J. Wiedefeld
General Manager and
Chief Executive Officer

Enclosures

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February 7, 2017

The Honorable Jason Chaffetz, Chairman
House Committee on Oversight and Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Elijah Cummings, Ranking Member
House Committee on Oversight and Government Reform
2471 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Chaffetz and Ranking Member Cummings:

Thank you for the continued opportunity to participate in the discussion that has come from the December 2, 2016 joint hearing, "A SafeTrack?: Oversight of WMATA's Safety and Maintenance". ATU Local 689 feels that lending our voice to the ongoing debate about safety at WMATA is integral to moving WMATA forward and creating a positive safety culture that benefits both riders and the workers.

At the December 2, 2016 hearing, we were asked to answer specific questions from Chairman of the Subcommittee on Government Operations Mark Meadows (NC-11), and Representative Barbara Comstock (VA-10) regarding the comments we made on that day. We responded on Jan 4, 2017 with our own ideas to improve WMATA, and we addressed several misconceptions in that letter. On January 24, 2017, we received additional questions from Chairman Meadows and Representative Comstock. Below you will find answers to their questions.

Questions from Chairman Mark Meadows

First, we would like to address the fact that ATU Local 689 has not been given information about a Metropolitan Police Department investigation. In our experience with WMATA, they do not communicate to the Union the methods or the results of investigations or changes in policy, etc. that they carry out, despite provisions and assurances that they are working with us. We are also unaware of any investigation conducted by an outside law firm. Again, WMATA's pledge to involve the Union as much as possible is a pledge that is not followed up on. We have not received or been made aware of any final report or findings from the Metropolitan Police Department, an outside law firm or even the WMATA General Counsel, although we have requested this information.

We also believe investigations into work practices and conditions should be conducted by an independent investigator. The Metropolitan Transit Police Department, who we understood to be conducting an ongoing investigation while very good at what they do, still answer to Mr. Wiedefeld, as do the WMATA General Counsel, and if hired by WMATA, an outside law firm.

That being said, we respectfully disagree with the wording of the question asked by Subcommittee Chairman Meadows. The NTSB never stated that falsified inspection reports were submitted by employees. Instead, in the NTSB documents we read things like, "The NTSB has initiated 14 accident investigations on the WMATA rail system over the past 36 years...Many of the NTSB accident investigations determined that WMATA's inadequate management of its operation contributed to the events..."¹ That same NTSB report noted that, "...NTSB investigators reviewed WMATA's monthly switch inspection reports from January 2015 to July 2016. Investigators noted that all of the inspection reports for the crossover involved in this accident documented a defective condition of "15 deteriorating ties in the diamond area."² This type of note, while WMATA may want you to believe it spells out falsification, merely indicates that track inspectors were putting defects on their switch inspection reports, and the work was not being fixed, which was a problem noted in the August 8, 2016 report that was issued by the FTA. In fact, the NTSB even states in their report issued Dec 1, 2016, "These areas of noncompliance with WMATA safety standards were identified during WMATA track inspections, however no remedial action was taken at the time."³

If you go back to the original report issued on August 8, 2016 by the FTA, you'll see that they documented 12 findings from a FTA-WMATA Safety Oversight team (FWSO) that include, "Maintenance managers require additional training and resources to act on inspection data", "WMATA fails to use inspection data to inform and prioritize track maintenance," "[WMATA] Track Inspectors receive inadequate training," and "WMATA does not have a clear process in place for track inspectors and supervisors to impose and remove speed restrictions." This safety oversight team included WMATA's Safety Department so they were well aware of the issues, they even issued these findings themselves.

WMATA's history is one where safety takes a back seat to revenue. It has been proven time and time again by outside agencies, and has been talked about over and over again by ATU Local 689 and our members. In the NTSB's investigation of the East Falls Church derailment, they spoke about the D-line derailment of a train near Smithsonian station a year earlier, "WMATA's investigation into the derailment [August 5, 2015 Smithsonian] revealed that on July 9, 2015, a WMATA track geometry vehicle (TGV) inspected track measurements through the area where the train derailed...this gage exceeded WMATA's maximum gage standard....WMATA continued to run revenue service trains

¹ National Transportation Safety Board. (December 1, 2016). Railroad Accident Brief: Derailment of WMATA Metrorail Train in Interlocking Falls Church, VA. page 6-7

² National Transportation Safety Board. (December 1, 2016). Railroad Accident Brief: Derailment of WMATA Metrorail Train in Interlocking Falls Church, VA. pg. 5

³ National Transportation Safety Board. (December 1, 2016). Railroad Accident Brief: Derailment of WMATA Metrorail Train in Interlocking Falls Church, VA. pg. 9

over the track, with no reduction in speed or other mitigation action, for the 27 days between the discovery of the gage defect and the derailment on August 6, 2015.”⁴

We would also like to note that NTSB investigators did not conduct their own interviews; they reviewed interviews that were conducted by WMATA's safety department, ones that were released to the public on Dec 1, 2016. Those interviews were conducted with no union representation, almost as if they were interrogations. Despite that, interviewed track inspectors explained what they knew to be the standard process and even explained a system that they use to track defects called "progression of wear", which we will explain in the answers to Congresswoman Comstock's questions.

In response to Mr. Meadows's second question, we will not speak on an open grievance proceeding, because it is a legal process that is moving forward. The issue will be worked out according to the process that both sides have negotiated and agreed to over the years that is outline in our Collective Bargaining Agreement. It is the least disruptive form of settling labor disputes and until that has been settled, we will make no comments on the specific grievances. At this time, however, we have seen no evidence of the alleged "falsification." Since ATU Local 689 is an organized association of workers formed to protect our rights, legally, we have a "duty of fair representation" to protect our members, much in the same way a defense attorney is legally obligated to represent their client to the best of their ability. That is what we will do.

Given the clear record, the facts and the well-documented and entrenched culture that we are aware of at WMATA, we are convinced that WMATA 's scorched earth response is at least misguided and may be an attempt to distract attention from its systemic problems and the wrong-headed policies and decisions taken at senior leadership level which ultimately produced the safety breaches and catastrophes in question.

WMATA's overreach can only have the effect of discouraging employees who know what has been going on from coming forward or from challenging the work and supervisory practices associated with WMATA's "rush-rush" culture. It drives critical safety problems underground. Whatever may have been done, it was the "fruit of a poisoned tree", fed by a management culture based on operations above all else. We do not intend to help that tree continue to bear more fruit.

Questions from Congresswoman Barbara Comstock

To preface our response to questions from Congresswoman Comstock we would like to state that ATU Local 689 is our own agency and does not practice speaking for WMATA or outside agencies. We represent the voices of our membership and as such, we have used most of this letter to voice our arguments. To that point, as shown throughout this letter, we believe that the interview transcripts released by the NTSB in December 2016 and the various reports from the NTSB, the FTA and even WMATA investigators themselves over the last two-three years document everything you are asking us for.

To Congresswoman Comstock's first question, the standard that inspectors were using to complete their inspection reports was the standard procedure that had existed in the track inspections

⁴ National Transportation Safety Board. (December 1, 2016). Railroad Accident Brief: Derailment of WMATA Metrorail Train in Interlocking Falls Church, VA. pg. 4-5

department for many years until recently. The standard had been to use the switch inspection report from the previous month in its word document form as a template to verify whether defects that were reported already had been fixed. It also enabled track walkers to be able to measure whether a problem had gotten worse. By using the former month's report, track walkers would know what had been reported the previous month and they would be able to check if the work that had already been reported had in fact been done, or, in the situations where the work had not been done, they would be able to check and track whether a problem had gotten worse. Because of this procedure, they could note the differences in the measurements in order to determine whether or not there was unusual lateral movement, like any widening of the track at the measurement points or wear on the components.

This procedure enabled the use of a system, called "progression of wear", that was used to track exactly how a documented defect got worse. "Progression of wear" allowed track inspectors to track how much the measurements had changed from month to month or over a similar period of time. Because the measurements are not supposed to change, this system helped to show where problem areas were. For instance, if a track walker found a piece of rail that had a crack in it one month, they would measure it because they would want to document exactly how long the crack is in case it got bigger. This crack would be classified as a yellow because the rail could still be used as it was designed to be used. If, the following month, the crack had progressed and the track walker saw a crack going down the side of the rail, they would increase the condition of that defect to red and put a speed restriction on the track. This system helped to evaluate the urgency of needed repairs on the rail. From month to month it enabled track walkers to track defects and it would give them an indication of how bad the defect had gotten so in theory they could help to prioritize what needed to be fixed on the rail. Unfortunately, WMATA is no longer using this system to track defects leading us to question the standards of safety that WMATA is truly committed to upholding.

This procedure is documented in the TRST 1000 in Sections 2.10.3 through 2.12.4 where it talks about serviceability of Track and Components and Degrees of Serviceability. If those sections are read correctly, they speak to the system of "progression of wear".

In December 2016, the NTSB released transcripts from interviews that were conducted with track walkers during the investigation into the East Falls Church derailment. In several of those interviews, despite the tone that was set by the investigator, track walkers spoke to the system of "progression of wear" and the standard that they had been taught to create these reports. On page 7 of Mr. Jovito Azurin's interview it says:

"Mr. Davis: Right. And then what do you print out to carry with you when you go out to make sure that the defect is there already or isn't there?
Mr. Azurin: Oh, the -- the -- the database?
Mr. Davis: Database.
Mr. Azurin: Yes. Yes, the database, we going to go match that and monitor the defect that we have. If they have any discrepancy or change, we going to update it."⁵

The database that Mr. Azurin is referring to is the word document documenting the defects from the previous month. He also says on page 26, "When we go over there, when only 16th off from the -- the

⁵ WMATA Interview of Jovito Azurin. pg. 7

-- the gauge, the -- exactly the -- the same. I wrote this 56 1/2, right? If this is 56 and 7/16, we just leave it like that. That's what the supervisor told us, that -- that to be -- stay -- only 16th difference, we're not going to change. We're going to leave it like that. And if say 56 1/2 and 56 9/16 is only another 16th off, we -- we're not going to change the half to 9 or whatever, 7/16 or 8/16, because it's only 16ths off."⁶ In addition to this, superintendents have told our members not to document defects that are classified as green defects and defects like when the wheel digs into the side of the rail on a curve, which is "sidewear".

To break down the standard that we talked about even further, we have bulleted below the steps taken on a normal day by track walkers:

1. First, track walkers start their day by reporting to their home location. There are four yards that house track walkers: Brentwood, New Carrollton, Alexandria, and Branch Ave.
2. When they are in the office at their home location, they go into the computer and pull up the word document of last month's switch inspection report.
3. They print this report out and take the report to the location that they are working that day, meaning they take to the location of whatever switches they are inspecting that day.
4. They use the printed report as a template to see what defects were reported and to reference the measurements that were taken the month before.
5. As they are taking measurements, they only note measurements that are different and need to be changed.
6. When they finish, they go back to their reporting location and pull up the word document of the previous month's switch inspection.
7. They update the report with changes that have been documented on the hard copy.
8. Finally, they save the report as a new document with this month's name in the title and turn it in to their supervisor.

As we said in our previous letter, we understand the committee's request for specific information, including names, dates, and locations, but Congress in 2007 designated OSHA as the proper venue for whistleblowers under the protection of the *National Transit Systems Security Act*, establishing retaliation protections for public transportation agency workers, and we will continue to encourage our members to utilize this system.

Before even getting into the discussion of formal complaints filed with WMATA management or union leadership, we would like to discuss numerous reports in the last two/three years released by the FTA and the NTSB that talk about the exact problems you are asking us about. In the FTA's Track Integrity Investigation Final Report, released on August 8, 2016, "the FWSO found that WMATA's track inspection program does not provide sufficient time for inspectors to adequately inspect their assigned territories."⁷ Also in that report is the acknowledgment that the FWSO

⁶ WMATA Interview of Jovito Azurin. pg. 26

⁷ United States Department of Transportation Federal Transit Administration. (August 8, 2016). Track Integrity Investigation Final Report. pg. 5

encouraged WMATA to include the EFC interlocking in one of its initial Safetrack surges. To corroborate that, we have reports from members that two nights before the derailment track walker personnel asked to get into that interlocking beforehand because they knew that it was not fit for the increased pressure of single tracking that Safetrack would bring. They were given the runaround by Central and denied by Management downtown. This flippant and uninformed decision making by upper management reflects the culture at WMATA of putting revenue before safety.

Just a year before, on August 6, 2015, train #412 derailed on the D-line on curve 306 near Smithsonian Station. As part of the FTA and WMATA's official investigation into that derailment, several root causes were identified. From those causes, we have seen several familiar complaints, "Failure of WMATA's TIES and TRST leadership to manage the TRST Trackwalker inspection and corrective maintenance processes effectively," and "potential deficiencies in the training, qualification and certification of track inspectors."⁸

In that same official investigation, which took place almost a year before the East Falls Church derailment and was conducted by WMATA, there is extensive documentation of the miscommunication between track inspections and track maintenance, leading to maintenance not getting done, or not being prioritized because of internal politics and the attempt to "get the most bang for your buck"⁹ The FTA references the same report in their Final track integrity investigation on page 23: " WMATA's amended Final Investigation Report....stated that senior managers within TKMN believe that, in obtaining track rights, "priority is given to meeting high-level goals, such as replacing a certain number of ties or fasteners, which limits the ability to dedicate resources to Preventative Maintenance activities, such as verifying and correcting deficiencies identified by track inspectors."¹⁰ Throughout the Smithsonian derailment investigation there are numerous inaccuracies in how work is reported and fixed. WMATA's safety department not only conducted that investigation, but the same investigator is the one that conducted the track walker interviews that were released by the NTSB in December 2016. To us, it seems that WMATA had ample time to fix and was well aware of the communication problems between the two departments. Instead of re-training employees and creating a more integrated and holistic look to the track department, WMATA management has chosen to scapegoat more than twenty workers, almost half of a department. When that many workers are terminated, it seems to us that the problem becomes more about the systemic problems at a company, instead of the individual workers. They are after all, just the front line soldiers receiving the orders from the ones who oversee the strategy.

As far as formal complaints filed with WMATA Management, the Union is not privy to that information. The process for filing a formal complaint with WMATA management would be to file through the Office of the Inspector General (OIG), which would then investigate. Theoretically, they would then follow up with the employee who filed the complaint with their findings. In the transcripts released by the NTSB in December, retaliation was raised several times by both Mr. Trap Thomas

⁸ United States Department of Transportation Federal Transit Administration. (August 8, 2016). Track Integrity Investigation Final Report. pg. 12

⁹ Washington Metropolitan Area Transit Authority Department of Safety & Environmental Management (SAFE) and Tri-State Oversight Committee (TOC). (Issued October 2, 2015; Revised March 16, 2016) August 6, 2015 D-Line Curve 306 Derailment: Investigation Final Report. pg. 22

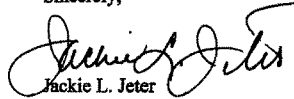
¹⁰ United States Department of Transportation Federal Transit Administration. (August 8, 2016). Track Integrity Investigation Final Report. pg. 23

and Mr. Azurin. On pages 52-54 of the transcript from Mr. Thomas's interview, he spoke about a retaliatory write up for not showing progression that he received when he restricted a section of track because of defective ties. He reported this to upper management, and was ignored. He then submitted complaints to OIG, Labor Relations, Safety and finally OSHA. Labor Relations responded by passing the buck and forwarded one of his complaints to the General Counsel. Despite all of this shuffling, Mr. Thomas never received any type of communication regarding his complaint. He was also ignored by his supervisors and superintendents that he originally reported the complaints to. Finally, while reading his transcript we noticed that his allegations are also flippantly dismissed by Robert Davis, at the time head of WMATA's own Safety Department.

We ask you this: if you are an employee who reports a safety hazard over and over, day after day, for six months to a year, and you are getting the response, "we know" from your direct supervisor or superintendent, at what point do you feel as if the company doesn't care? Now, if you were then disciplined for adhering to safety or had your location or shift changed by management during the annual pick, because retaliation can be as subtle as shifting a AA mechanic slot from day shift to midnights, what would that teach you about putting your foot down and speaking out in the future? When we allege instances of retaliation, we are speaking to the subtle culture that exists at WMATA of making employee's lives more difficult for speaking out, whether it is something as blatant as sending an employee down for a drug test, as they did with Mr. Thomas, or something as subtle as changing slots on a pick so you now have to work nights or switch to a location further away from your home to maintain your regular routine. We've even had employees suspended arbitrarily for several days for refusing to do unsafe work, just to make their life a little more difficult so they would think twice the next time they want to stand up to management.

To support our conclusions, we have attached an appendix with sections from the various reports, transcripts and rulebooks that we felt are relevant to our argument. As we have stated numerous times in every venue we could think of, the Union is more than willing to roll our sleeves up and get to work creating a culture of safety at WMATA, as long as we are brought to the table as equal partners and as long as our input is valued and included. Our members are directly affected when safety is not prioritized, as are the riders that we care about. We look forward to continuing this discussion as a valued partner moving forward.

Sincerely,



Jackie L. Jeter
President/Business Agent
ATU Local 689

APPENDIX

National Transportation Safety Board. (December 1, 2016). Railroad Accident Brief: Derailment of WMATA Metrorail Train in Interlocking Falls Church, VA. Retrieved from:
<https://oversight.house.gov/wp-content/uploads/2016/12/Derailment-of-WMATA-Metrorail-Train-in-Interlocking-Falls-Church-VA-RAB-16-06.pdf>

United States Department of Transportation Federal Transit Administration. (August 8, 2016). Track Integrity Investigation Final Report. Retrieved from:
<https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA%20WMATA%20Track%20Integrity%20Investigation%20Final%20Report.pdf>

Washington Metropolitan Area Transit Authority Department of Safety & Environmental Management (SAFE) and Tri-State Oversight Committee (TOC). (Issued October 2, 2015; Revised March 16, 2016) August 6, 2015 D-Line Curve 306 Derailment: Investigation Final Report.

Washington Metropolitan Area Transit Authority Track Maintenance and Inspection Procedures. January 1, 2015 Revision 6.