

**United States House of Representatives
Committee on Oversight and Reform
Subcommittee on Government Operations**

**“Washington Metropolitan Area Transit
Authority’s (Metro) Service, Safety, and Future”**

February 9, 2022

**Testimony of David L. Mayer, Ph.D., Chief Executive Officer,
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Thank you, Chairman Connolly, Ranking Member Hice, members of the Subcommittee on Government Operations, and other Members of Congress attending this important hearing examining the Washington Metropolitan Area Transit Authority’s (“WMATA”) responsibility to provide safe and reliable transit service to the National Capital Region.

I am Chief Executive Officer of the Washington Metrorail Safety Commission (“WMSC”), the agency responsible for independent safety oversight of the WMATA Metrorail system. The WMSC is the product of many years of effort by officials in the District of Columbia, Maryland, Virginia, and Congress that resulted in an interstate compact between the three jurisdictions in 2017. Your work has helped make the WMSC an independent and empowered state safety oversight agency.

After the appointment of our commissioners by the District of Columbia, Maryland, and Virginia, the WMSC hired staff, developed our Program Standard and policies, and worked closely with the Federal Transit Administration (“FTA”) and regional leaders, including the Metropolitan Washington Council of Governments. This led to the FTA certifying our safety oversight program in March 2019.

The WMSC then assumed direct safety oversight and enforcement authority over the Metrorail system from the FTA. The FTA had carried out these responsibilities from October 2015 (following the January 12, 2015, smoke accident near L’Enfant Plaza Station) to March 2019. As with the FTA, our role is oversight, and, when necessary, enforcement. It is up to WMATA to operate the system safely and to continuously improve safety.

I am proud that the WMSC is using its authority to get results, such as:

- The beginnings of long-needed changes in Metrorail’s Rail Operations Control Center, including new management in that facility and an increase in the number of certified rail controllers from 26 to 49;
- The proactive identification of safety issues prior to safety events through our extensive audit work and the associated corrective action plans that WMATA is required to propose and implement to address these safety issues; and
- Safety orders and directives such as our order in October 2021 that WMATA remove all 7000 Series railcars from passenger service until Metrorail developed

and implemented plans, under the WMSC's oversight, to provide for the safe return to service of each car.

All 748 7000 Series railcars are being kept out of passenger service until WMATA develops and implements a return to service plan as specified in our October and December orders. We ordered the 7000 Series railcars removed from passenger service following a derailment on October 12, 2021, of Train 407 on the Blue Line between Rosslyn and Arlington Cemetery stations. Train 407 was an eight-car, 7000 Series train. The car that derailed was car number 7200, and one axle of that car derailed.

The National Transportation Safety Board ("NTSB") is leading the investigation of that derailment, and we are actively participating as a party to that investigation. As the NTSB previously explained publicly, a key finding on the axle that derailed is that the wheels had moved outward. Additionally, the investigation determined that Train 407 derailed at least two other times earlier on October 12. Both times, the train re-railed itself. The two confirmed earlier derailments were inbound near Arlington Cemetery Station, and later inbound on a return trip, near Largo Town Center Station. At the location of the derailment just outside Rosslyn Station at 4:51 p.m., the train did not re-rail itself.

When Train 407 derailed the final time, the train had 187 passengers aboard. They were evacuated by walking along the tracks to Arlington Cemetery Station.

After the derailment, WMATA began special inspections of the axles on all 7000 Series railcars. While the special inspections were underway, WMATA told the WMSC and NTSB for the first time that it had first identified this safety concern during routine inspections in 2017, prior to the WMSC's safety oversight. Specifically, WMATA said that there were between two and six inspection failures in each of 2017, 2018, 2019, and 2020. WMATA told us it identified a total of 21 inspection failures in the 12 months leading up to the derailment.

The safety issue was not mentioned in materials provided by WMATA as part of the WMSC's 2021 railcar audit, nor was it disclosed during audit interviews or mentioned during any of the regular and frequent discussions before the derailment between the WMSC's vehicle experts and WMATA.

On October 17, after WMATA said it had removed from service all railcars that had failed the special inspections, the WMSC found, through our direct access to WMATA systems, that two of those failed cars were operating in passenger service that afternoon. The WMSC communicated this to WMATA, and the train that included those two separate cars was removed from passenger service.

Based on the information gathered during the investigation, the WMSC issued an order on October 17 requiring WMATA to remove all 7000 Series railcars from passenger service until WMATA developed and implemented a plan under our oversight for safely returning each railcar to service.

After the October 17 order, the WMSC continued our frequent interactions with WMATA. This included technical discussions and data reviews, WMSC observations of critical parts of Metrorail's engineering test procedure that WMATA conducted as part of its return to service plan development, and WMSC discussions with WMATA about details of Metrorail's return to service plan required once WMATA began to develop those details.

On December 11, WMATA submitted its latest revision of its return-to-service plan for the 7000 Series railcars to the WMSC. The WMSC communicated on December 14 that we had no technical objections to that plan, allowing WMATA to begin implementing the plan to return 7000 Series railcars to passenger service. The plan WMATA submitted to the WMSC included increased inspection frequencies, additional training, and other aspects such as a procedure that specified a wheelset could only pass inspection if it was within the required dimensions and the deviation in the back-to-back wheel measurement from the previous inspection was less than 1/32 of an inch. This restriction on placing cars into service with measured wheel movement was a safety precaution to prevent cars with measured wheel movement from operating in passenger service. WMATA's plan also included using a more accurate tool, a dial gauge, when axles failed inspection.

On December 17, WMATA began returning 7000 Series railcars to passenger service. On December 29, again using our direct access to Metrorail systems, we identified that WMATA had put at least five railcars into service that had been measured as having a difference from their previous back-to-back inspection of at least 1/32 of an inch. Under WMATA's plan, those cars were not permitted to be in service.

The WMSC notified WMATA that it had cars carrying passengers that did not comply with its safety plan, and WMATA once again removed all 7000 Series railcars from passenger service. Later that day, the WMSC issued an order keeping all 7000 Series railcars out of passenger service until WMATA provides a revised return to service plan with additional protections.

Our further investigation found that WMATA had, without any communication with the WMSC, revised the measurement procedure in its Return to Service Plan. This revision added the words "equal to" so that a measured wheel movement of 1/32 of an inch would be marked as "passing," contrary to WMATA's plan that was accepted by the WMSC.

Consequently, WMATA did not follow its return to service plan.

We look forward to WMATA developing a new return to service plan as specified in our orders. Our priority is safety, so we have not set a deadline for this plan. Investigative work continues on the cause of the wheel movement on the axles. This work may help inform WMATA's new plan.

We continue our frequent interactions with Metrorail and have open lines of communication. When a new plan is in place, we will closely monitor its implementation as we did for the prior plan.

The WMSC Compact created a strong safety oversight agency. Our actions in the case of the 7000 Series railcars are just one example of how we utilize our direct access to multiple WMATA systems and databases on a regular basis as part of our inspection and other activities. We monitor Metrorail's systems regularly, talk with WMATA personnel daily, and are on site frequently. There are also instances where our enforcement authority has been required to get information that WMATA is required to provide to us.

For example, the WMSC Compact specifies that the WMSC has the authority to access, without limitation, Metrorail's electronic information and databases. WMATA declined multiple opportunities to provide required access to its Closed-Circuit Television system until we issued an order requiring such access. Our order provided a simple, straightforward, secure access path using existing WMATA systems that would allow us to carry out our oversight work. WMATA requested that it instead conduct a more complex, labor-intensive process to provide access. Because we have attempted to approach our safety oversight work collaboratively whenever possible, we allowed WMATA to institute the alternative process, and we are using this access to, for example, conduct unobtrusive inspections of Metrorail personnel so that we can observe how work is being conducted when individuals do not know someone is watching. We also use this video as part of our investigations process.

Additionally, last year, the WMSC issued a notice of noncompliance to WMATA in relation to our Audit of Metrorail's Fitness for Duty Programs. For months, WMATA improperly withheld Metro Transit Police Department ("MTPD") drug and alcohol testing records from the WMSC. MTPD falls within the WMSC's safety oversight because Metrorail's Public Transportation Agency Safety Plan and procedures designate these personnel as having safety functions, including response and evacuation. Following our notice of noncompliance, WMATA provided the records as required by their documentation, our Compact, our Program Standard, and federal regulation. The WMSC issued our Fitness for Duty Audit in August 2021.

In addition to the WMSC's safety oversight work, we also pride ourselves on our transparency. Our website, WMSC.gov, now contains 145 safety event investigation reports, more than 370 inspection reports, and the reports of nine comprehensive WMSC safety audits of WMATA completed to date. Our website also includes the first two independent financial audits of WMSC. I am proud that both of these audits have been clean audits. The WMSC is funded by the District of Columbia, Maryland, and Virginia with the support of federal grants. We appreciate Congress's recent action to increase those federal grants in future federal fiscal years.

Our audit, inspection, investigation, and other work has led to required safety improvements for Metrorail. It is up to WMATA to implement these improvements. The WMSC oversees this implementation.

Thank you for your time. I look forward to any questions you may have.