

Testimony

of

Helen Lew, Inspector General
Washington Metropolitan Area Transit Authority

before the

Subcommittees on Transportation and Public Assets and Government Operations
United States House of Representatives

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Chairman Mica, Chairman Meadows, Ranking Member Duckworth, Ranking Member Connolly, and Members of the Subcommittees:

I would like to thank you for the opportunity to testify today on our work on rail safety and emergency responsiveness at the Washington Metropolitan Area Transit Authority (WMATA).

Background

I am the first Inspector General appointed by the Board of Directors (Board) for WMATA. The Office of Inspector General (OIG) was authorized by a Resolution of the Board in 2006, and I began my tenure in May 2007. I report to the Board, and as such I am independent of management. Congress passed legislation,¹ adopted by the three Compact signatory jurisdictions,² establishing OIG statutorily.

We conduct audits, investigations, and evaluations relating to WMATA activities to promote economy and efficiency and prevent and detect fraud, waste, and abuse. The WMATA Board Resolution also specifically tasked us to “supervise the Authority’s annual independent audit of financial accounts and perform a quality assurance review of the audit.” Accordingly, we oversee the external audit firm³ that conducts WMATA’s annual financial statements audit and the Single Audit⁴ on major federal programs. Additionally, we coordinate external audits performed by the Government Accountability Office, the U.S. Department of Transportation’s Federal Transit Administration (FTA), and the U.S. Department of Homeland Security.

Our investigations range from employee misconduct, both criminal and administrative, to lack of compliance with internal policies and procedures. In those cases where it is appropriate, we make recommendations to management based upon our investigations and track management’s response. Our Investigations Component operates a Hotline that employees, contractors, and members of the public may use to report information about fraud, waste, and abuse. Investigations also tracks and oversees the investigation of Whistleblower retaliation cases.

We issue Semiannual Reports, which are available publicly on our office’s web page, www.wmata.com, as are our performance audits and evaluations.⁵ The Semiannual Reports provide a high-level overview of all our work during a six-month period.

¹ Title VI of the Rail Safety Improvement Act of 2008, Public Law 110-432.

² The District of Columbia, State of Maryland, and Commonwealth of Virginia.

³ McGladrey LLP

⁴ An audit of a federal grantee receiving \$500,000 or more in federal funds to determine compliance with the U.S. Office of Management and Budget (OMB) Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.

⁵ Reports containing sensitive, security, and/or proprietary information are not available on WMATA's web page.

The Subcommittees asked that I testify on OIG's work on rail safety and emergency responsiveness at WMATA. I will highlight our work, both completed and planned, in these areas.

Rail Safety

OIG performed a Control Self-Assessment (CSA)⁶ of employee safety in WMATA's Office of Track and Structures Systems Maintenance (TSSM)⁷ from February 2010 through July 2010. The objectives of the CSA were to: (1) examine the effectiveness of safety internal controls from TSSM employees' perspective, and (2) find solutions that will help eliminate or reduce preventable rail-related accidents.

The results indicated TSSM employees did not believe WMATA provided them a safe working environment. Employees identified over 50 issues to support their concerns about safety. The issues brought to OIG's attention during the CSA fell into three categories: (I) the work environment was not safe, (II) training was not adequate, and (III) internal and external communications were not effective. OIG focused on the 16 most often communicated issues within each of the categories.

Category I, the work environment was not safe. Employees indicated that Right-of-Way (ROW) worksites were not properly set up, especially as it related to shunts, lanterns, flagmen, and alerting the Operations Control Center (OCC)⁸ of workers' locations on the ROW, and safety rules were not followed by some supervisors, resulting in unsafe conditions. Employees also indicated there was inadequate lighting, which adversely affected their work environment; and there were safety and health risks associated with using the pocket tracks (areas where the train can park and permit the train operator to reverse ends and travel in the opposite direction) as a lavatory. And, according to the employees, TSSM management failed to ensure timely calibration of precision measurement equipment. The use of non-calibrated precision measurement equipment renders incorrect tolerances that may create unsafe conditions.

Employees also stated they did not have all of the personal protective equipment they needed because WMATA failed to maintain adequate stock in storerooms for distribution. The lack of proper safety equipment may increase the risk of an accident that is preventable. In addition, employees felt TSSM management issued new digital radios too fast and did not ensure users were trained on how to use them at the time of distribution. Employees indicated the new digital radio system was deployed despite problems. As a result, employees working in the TSSM environment were not able to effectively communicate with each other, increasing the risk of personal injury. Employees stated TSSM had insufficient personnel to meet maintenance demands to ensure critical work was completed within the eight-hour shift.

⁶ *Control Self-Assessment – Employee Safety in the Office of Track and Structures Systems Maintenance* (Internal Operations No. CSA11-001), September 8, 2010.

⁷ TSSM was re-organized as two offices—Systems Maintenance (SMNT) and Track and Structures Maintenance (TRST).

⁸ OCC is now part of the Rail Operations Control Center (ROCC).

Category II, training is not adequate. Employees identified the following three major issues: (1) some TSSM employees were not properly trained to operate and service new equipment and systems, (2) some TSSM employees did not receive sufficient safety-related operations and maintenance training, and (3) some supervisors and managers did not have adequate training and experience.

Category III, employees identified five issues related to ineffective communications: (1) internal TSSM communications were inadequate; (2) system maintenance repair instructions were inadequate; (3) communications with local safety committees were flawed; (4) safety briefings were not effective; and (5) working relations and communications between OCC, the Maintenance Operations Center (MOC),⁹ and TSSM, were not effective.

We made 19 specific recommendations to the former General Manager to address the safety issues and concerns identified during the CSA. OIG closed all of these recommendations, based on our review of documentation and actions taken by WMATA management over a period of 4 years. We have not performed any follow-up work in this area since the CSA was conducted.

Emergency Responsiveness

During the past five years, OIG has issued several reports that identified internal control weaknesses regarding emergency responsiveness in WMATA's rail system.

For example, in August 2010, OIG issued a Final Alert Memorandum¹⁰ to the former Deputy General Manager for Operations, bringing to his attention a serious internal control weakness in WMATA's accounting for keys to mission-critical areas. We noted failure to adequately control keys to certain rooms increase the risk that unauthorized personnel may gain access to mission-critical areas and compromise safe operations and security.

In an April 2013 Final Audit Report, OIG identified a matter of concern relating to the need to update the *Metrorail Emergency Response Maps*, located in selected Metro stations.¹¹ These maps are a result of a cooperative effort between the fire departments of the local jurisdictions and WMATA.

In September 2014, OIG issued a Final Audit Report,¹² noting access to train service rooms are not adequately controlled. For example, when people open the service room doors with a key instead of using the proximity card reader, an alarm is set off in the operations control monitoring center. The excessive amount of alarm signals sent out daily could obscure other types of significant operational or emergent alarm signals. The failure to properly utilize the security system increases the risk of a poor response to a real emergency.

⁹ The MOC is now part of the ROCC.

¹⁰ Final Alert Memorandum, entitled *Lack of Accountability for Keys to Some Mission-Critical Areas*, Internal Operations No. IOA-11-001, August 5, 2010.

¹¹ Final Report, entitled *Review of WMATA's Closed Circuit Television (CCTV) Systems*, Internal Operations No. 13-002, April 4, 2013.

¹² Final Report, entitled *Review of WMATA's Access Security Controls*, Information Technology Audit No. 15-001, September 30, 2014.

Management concurred with the above findings and recommendations. These recommendations remain open as of June 30, 2015.

FTA's Safety Management Inspection Report

The Federal Transit Administration (FTA) issued a Safety Management Inspection (SMI) report on June 17, 2015. This report identified 44 safety findings in eight categories regarding WMATA's Metrorail system.

Some of the eight categories cover concerns and issues we identified in our CSA and/or performance audits. Specifically, the SMI had findings regarding: (1) inadequate Rail Operations Control Center staffing and procedures, (2) ineffective training, operational testing and rules compliance programs, (3) insufficient track time for maintenance, (4) system-wide maintenance issues, and (5) fire/life safety and emergency preparedness.

Other OIG Work Related To Rail Safety

Investigations—OIG Investigations has received safety-related complaints/allegations via the OIG Hotline. We review each complaint to determine how it should be handled. Complaints may be investigated by OIG or referred to management, or another agency, as appropriate.

Since Fiscal Year 2012, OIG has referred 16 rail safety complaints to management offices and/or departments¹³ for follow-up and/or investigation.

Since 2007, OIG Investigations has issued 12 Reports of Investigations (ROI) that involved complaints/allegations that are rail safety-related. Our investigation did not substantiate any of these complaints. We have five ongoing investigations, involving complaints that relate to rail safety.

Planned Performance Evaluations—OIG's Calendar Year 2015 Work Plan contains two performance evaluations that relate to rail safety. One is an Evaluation of WMATA's Safety Management System (SMS),¹⁴ and the other is an Evaluation of WMATA's Rail Car Preventive Maintenance Program.¹⁵

OIG deferred starting these two evaluations in light of FTA's Safety Management Inspection and the ongoing National Transportation Safety Board's investigation of the January 12, 2015, electrical arcing incident near the L'Enfant Plaza underground station. These evaluations will be reassessed for inclusion in OIG's Calendar Year 2016 Work Plan.

¹³ For example, the Department of Transit Infrastructure and Engineering Services (TIES), Office of Customer Service (CSVC), Office of Plant Maintenance (PLNT), Department of Safety & Environmental Management (SAFE) and Office of Track and Structure (TRST).

¹⁴ The objective of this performance evaluation is to determine whether WMATA's SMS is producing results that are consistent with goals, objectives, and expectations.

¹⁵ The objective of this performance evaluation is to determine whether WMATA's Rail Car Preventive Maintenance Program is producing results consistent with goals, objectives, and expectations.

In summary, OIG's work has identified areas for improvement in WMATA's rail safety program and emergency responsiveness. While progress has been made, more work is needed to address the open recommendations in our audits, as well as the findings and recommendations in FTA's Safety Management Inspection.

I would like to reiterate something we stated in our CSA that still holds true today. "It is critical top management—the General Manager, Deputy General Manager for Operations, and the Chief Safety Officer—provide support and demonstrate commitment to establishing a safety culture that listens to its employees and, if warranted, act on safety concerns in the most expedient manner possible. Top management also needs to carry out and enforce applicable safety laws, regulations, and WMATA's safety policies and procedures. Such action by management should help eliminate or minimize rail-related preventable accidents, as well as allow employees to feel safe in their work environment."

We will continue to develop risk-based strategies to help us focus our limited audit and investigative resources. We look forward to continuing to fulfill our independent oversight role and working with the WMATA Board of Directors and WMATA management.

This concludes my prepared testimony, and I will be glad to answer any questions you and the members of Subcommittees may have.

Helen Lew

Helen Lew is the first Inspector General at the Washington Metropolitan Area Transit Authority (WMATA), overseeing independent audits, evaluations, and investigations of WMATA's programs and operations. She retired from the Federal Government in April 2007 after 36 years. Prior to her retirement, she was the Assistant Inspector General for Audits, Office of Inspector General (OIG), U.S. Department of Education (ED), where she was responsible for auditing and evaluating ED programs and operations. She chaired the Federal Audit Executive Council (FAEC) during the period July 2005 to April 2007; the FAEC is comprised of audit executives from federal audit agencies and departments. She also chaired the Project Advisory Board for the National Project to Statistically Measure the Quality of Single Audits. She was a member of the President's Council on Integrity and Efficiency working group that revised the Quality Standards for Federal Offices of Inspector General, also known as the "Silver Book."

Prior to joining ED OIG in November 2000, Ms. Lew worked for the U.S. Government Accountability Office (GAO) for 27 years. At GAO, she worked in various leadership positions in the Washington Regional Office, Accounting and Financial Management Office, and Accounting and Information Management Division.

Ms. Lew graduated from The American University in Washington, D.C. in 1973 with a Bachelor of Science degree in Economics and Business. She holds a Management Information Systems Certificate from George Washington University in Washington, D.C. She is a Certified Public Accountant (Maryland), Certified Government Financial Manager, Certified Inspector General, and Chartered Global Management Accountant. She is a member of the American Institute of Certified Public Accountants, Maryland Association of Certified Public Accountants, Greater Washington Society of Certified Public Accountants, Association of Government Accountants (Washington D.C. Chapter), Association of Inspectors General, and American Public Transportation Association's Committee of Audit Professionals (Chair), she also was a 2007 recipient of the Presidential Rank Award of Meritorious Executives.