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**BEFORE THE U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON TRANSPORTATION & INFRASTRUCTURE,
SUBCOMMITTEE ON HIGHWAYS & TRANSIT**

Improving the Safety and Reliability of the Washington Metro

May 24, 2016

Chairman Graves, Ranking Member Norton, Members of the Subcommittee, and Members of the WMATA regional delegation, thank you for inviting me to appear before you today to report on the safety and reliability of the Washington Metropolitan Area Transit Authority (WMATA) from the perspective of the Federal Transit Administration (FTA).

Safety is the United States Department of Transportation's (DOT) first priority, and at FTA, the safety of public transportation passengers and workers is, and will remain, our highest priority. Transit is a safe mode of transportation, certainly much safer than a private automobile. However, serious incidents, crashes and safety lapses at WMATA Metrorail in recent years, with an alarming spike in recent months, have highlighted the need for the system to make changes and improvements to ensure the safety of riders and employees.

In 2015, Congress strengthened FTA's authority to provide safety oversight with the Fixing America's Surface Transportation (FAST) Act, by explicitly authorizing the FTA to temporarily and expediently assume the role of a state safety oversight agency (SSOA) where the existing agency is not functioning properly, and clarifying FTA's ability to direct safety actions, withhold FTA financial assistance or direct the use of federal funding for safety purposes. With the FAST Act, Congress has tasked FTA with taking over safety oversight from an SSOA in limited circumstances – where immediate action is needed – and has provided enforcement tools for FTA to use in those circumstances. For the long term, safety oversight is vested in state oversight agencies that can oversee the many unique rail transit operations within their jurisdictions.

With WMATA, FTA is fulfilling the short-term, immediate need for strong oversight with its temporary role as a state safety oversight agency, while at the same time requiring the development of an effective permanent safety oversight agency.

FTA's Grantee Oversight of WMATA

Nationwide, the transit industry faces 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 only be reduced with increased investment at all levels of government.

Years of deferred repairs and under investment in maintenance have led public transit systems, like WMATA, to have infrastructure that is in deteriorated condition. With a system not in a state of good repair, transit service becomes unreliable due to breakdowns and emergency repairs, on top of the need to catch up on extensive repair work. In addition, WMATA's focus on providing expanded service has limited the amount of track access that maintenance crews have had to work on the system.

As part of 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 jurisdictions served by WMATA. This investment is for the capital and preventive maintenance needs of WMATA, and in recent years, Congress has required – and FTA has ensured – that the dollars are spent on improving infrastructure, safety and reliability. With additional formula funds and grant awards, WMATA receives more than \$450 million from the federal government each year.

In February 2016, WMATA submitted its Capital Investment Plan to FTA for the Fiscal Year (FY) 2017 beginning July 1, 2016. FTA conducted a thorough review of proposed and pending WMATA grant applications to ensure that \$450 million in federal monies are directed to projects that support corrective actions arising from the FTA 2015 Safety Management Inspection of WMATA, safety recommendations to WMATA from the National Transportation Safety Board (NTSB), and other key infrastructure improvements. For the most part, FTA has concurred with proposed projects that included actions to address WMATA's urgent safety needs. FTA denied WMATA's proposals to use federal funds on two non-safety related projects for cosmetic cleaning of stations and for upgrades to the fare collection system, and is instead requiring that the funding be held in reserve for use on safety investment needs.

FTA's Safety Oversight of WMATA

Over the last decade, WMATA has experienced several serious rail accidents resulting in the injury and death of WMATA passengers and workers. Among these accidents are the deadly June 2009 Fort Totten collision, resulting in the death of eight passengers and a transit operator and injury to 52 others, and the January 2015 L'Enfant Plaza smoke incident, which resulted in one passenger fatality and more than 90 injuries. WMATA has also lost eight workers in six collisions with trains and equipment on the rail transit right-of-way. Most recently, WMATA experienced 20 safety incidents (14 fire and smoke incidents) in a 20 day period in April and early May 2016. While there have fortunately not been major injuries or deaths, these recent events have confirmed that immediate attention is required to identify and mitigate risks associated with the problematic infrastructure and safety culture of the WMATA system.

FTA exercised its safety authority in 2015 by conducting a Safety Management Inspection (SMI), 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. In their report on WMATA's January 2015 smoke incident in the L'Enfant Tunnel, the National Transportation Safety Board (NTSB) agreed with many of FTA's findings regarding Metrorail. In key areas, FTA found that WMATA did not effectively create a culture of safety, and failed to focus its resources on safety-critical operations and maintenance activities. In particular, FTA found serious safety lapses in WMATA's Rail Operations Control

Center (ROCC). The SMI report resulted in 54 safety findings, 44 for Metrorail and 10 for Metrobus.

On June 17, 2015, FTA issued Safety Directive 15-1 to WMATA identifying 91 required corrective actions (78 for Metrorail and 13 for Metrobus) to address each of the safety findings, and requested the WMATA Board to determine what changes to its Fiscal Years 2016 & 2017 budgets were necessary to effectively implement the corrective actions. WMATA has successfully closed out eight of the 91 corrective actions, and made submittals to FTA for another 11 corrective actions, which are under review and verification. WMATA provides FTA with weekly updates on its progress with the remaining actions.

FTA has also taken lead responsibility for safety oversight of the WMATA rail system, including all outstanding safety corrective action items from the previous SSOA, the Tri-State Oversight Committee (TOC) - an additional 217 corrective actions previously required by TOC, that are still unfulfilled by WMATA. On December 15, 2015, FTA issued Safety Directive 16-2 to WMATA to address the disposition of these outstanding TOC corrective actions and anticipates to soon formally accept WMATA's Corrective Action Plan for these items.

On May 5, 2016, a third rail insulator explosion occurred at Federal Center Southwest. During this incident, WMATA failed to follow notification protocol to the FTA safety oversight team. Additional missteps occurred when the WMATA Emergency Response Team was able to conduct only a cursory inspection of the track before service resumed. It was not until another fire incident occurred later on the same day that the track was taken out of service by WMATA General Manager (GM) Paul Wiedefeld. Such errors in judgment and breaches of safety protocols are simply unacceptable. WMATA must prioritize safety over service, and commit to providing customers and workers with the assurance that their safety is first and foremost.

Following this incident, FTA directed WMATA, on May 7 in Safety Directive 16-3, to conduct a safety stand-down, a practice that takes time out to refocus an organization on prioritizing safety every day, and reviewing and recommitting to established safety procedures and protocols. Safety Directive 16-3 also required WMATA to update and practice emergency procedures with staff, mitigate risk of smoke and fire events, and make decisions based on safety rather than operational demands.

In addition to the significant amount of current resources that FTA is devoting to WMATA oversight, the DOT as a whole has contributed to the effort as well. Staff from the Federal Aviation Administration, Federal Motor Carrier Safety Administration, Federal Railroad Administration, and National Highway Traffic Safety Administration, have all participated in the effort, providing additional safety expertise and resources to the FTA team.

On April 28, 2016, Secretary Foxx, employing another new authority from the FAST Act granted by this Congress, appointed three new federal members to the WMATA Board of Directors, all of whom have a strong background in safety, and experience in the transportation industry. These selections reaffirm the Department's serious commitment to safety improvement at WMATA.

Inspections & Investigations

FTA is conducting on-the-ground inspections of WMATA, both announced and un-announced, leading accident investigations as warranted, and working to close out 149 open accident investigation reports, many of them taken over from TOC, as well as those begun since FTA assumed safety oversight responsibilities. As of May 16, 2016, FTA has conducted 170 inspections since November 2015, with 45 percent being unannounced.

During inspections, FTA inspectors and investigators look at track conditions, rules compliance and communications in the ROCC, traction power system components and maintenance, automatic train control, 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.

As a result of FTA inspections identifying severe problems in the ROCC, WMATA has established a new procedure for Shift Transfer Briefings, which requires verification that ROCC Controllers conduct adequate briefings between shifts through formal review and sign-off by the Assistant Superintendent. Also, in response to the SMI, a new policy prohibiting personal cell phone use and electronic devices in the ROCC has been developed, and FTA continues to verify its implementation. FTA required and observed the completion of annual qualification testing for all ROCC Controllers, which occurred for the first time since 2012. FTA also is closely monitoring the progress of the 10 new ROCC Controllers, hired as a result of the FTA's SMI. Their training and qualification should be completed in August. Finally, though more challenging, FTA continues to observe, oversee, and provide feedback on, the development of new procedures, tools, resources and training to enhance the performance of ROCC Controllers and their skills in managing emergencies and unusual conditions.

In response to an SMI finding, WMATA identified almost 2,000 employees with expired Right of Way Work Protection (RWP) training cards, and WMATA has already put the majority of them through the full RWP training program for their level, and all training is scheduled for completion by June. FTA consistently checks and verifies implementation of WMATA's RWP program as part of its inspections.

During the Safety Blitz inspections that were conducted April 4, 2016 through April 13, 2016, looking at red signal overruns, track integrity, and rail vehicle securement, FTA identified 229 defects requiring 66 remedial actions. FTA identified 3 locations with safety defects that required WMATA to take the track out of service for immediate repairs, and 7 locations that required speed restriction due to potential for derailment.

Since April 27, 2016, the FTA WMATA team has conducted 17 inspections and extensive track walks on the west side of the Red Line. During these inspections, FTA identified 199 defects which require 129 remedial actions. On May 11, FTA issued a letter to WMATA regarding the urgent repairs required prior to start-up of the WMATA SafeTrack Plan. The letter identifies three specific segments of Metrorail, including this section of the Red Line, as requiring immediate maintenance repair.

An important piece of the mitigation plan addressing the results of these inspections will be GM Wiedefeld's Safe Track plan, scheduled to begin next month, which, at FTA's direction, now includes safety-critical repairs to the system core. These targeted repairs should improve the state of WMATA's infrastructure. However, WMATA must identify and implement routine maintenance practices going forward to maintain the important work they are about to undertake. WMATA must also impart and insist on a robust safety culture at all levels of the organization to prioritize safety in all decision making.

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 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 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 49 U.S.C. § 5329(e)(8)(C), failure to do so could result in FTA withholding 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 communities like Charlottesville, Richmond, Virginia Beach, Cumberland, Fredrick, and Waldorf.

More than six years ago, in April 2010, the three jurisdictions recognized the need to replace their Tri-State Oversight Committee, saying it did not effectively respond to critical Metrorail safety oversight issues. Maryland, Virginia, and DC entered into a Memorandum of Understanding (MOU) on February 25, 2016, which re-stated their commitment to establishing the Metro Safety Commission (MSC), but the jurisdictions need to take action on legislation to create the MSC, and FTA stands ready to provide any necessary technical assistance. FTA has received a commitment from District of Columbia officials that they will introduce legislation with the City Council in 2016. As Secretary Foxx has made clear, Maryland and Virginia should follow suit at their earliest ability.

Until a new SSOA is capable of carrying out its responsibilities, FTA will continue to provide safety oversight, conduct inspections, monitor WMATA operations, and perform other activities to ensure the safety of WMATA's riders and workers. 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.

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. In a short time, FTA has provided more thorough safety oversight over WMATA than it has ever received. We continue to closely monitor that its federal funds are tied to safety priorities and improving a state of good repair for WMATA

facilities and equipment.

The Metrorail system delivers tremendous benefits to the Washington, D.C. region and is central to its continued success. All users of Metrorail deserve a reliable and safe system. FTA is ensuring that WMATA makes necessary safety improvements. WMATA needs to ensure it is properly managing and resourcing its corrective safety actions and building internal safety capacity and culture, and we are encouraged that GM Paul Wiedefeld has proven a cooperative partner thus far.

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 any questions you may have.

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