

Testimony of Matt Bassett, Chair and Virginia Member of the Tri-state Oversight  
Committee,  
to the United States House of Representatives  
Committee on Oversight & Government Reform  
April 21, 2010

Chairman Towns, Ranking Member Issa, and distinguished members of the Committee, thank you for this opportunity to testify on behalf of the Tri-state Oversight Committee, specifically, to discuss rail safety initiatives and continued challenges at the Washington Metropolitan Area Transit Authority, or WMATA.

As you may know, the Tri-state Oversight Committee, or TOC, is a joint effort by Virginia, Maryland and the District of Columbia to oversee safety and security at the WMATA Metrorail system under 49 Code of Federal Regulations, Part 659. Organized under a Memorandum of Understanding, the TOC reviews Metro's safety and security plans, approves accident investigations, evaluates hazard management processes and conducts rail safety audits, among other activities.

In the last year, TOC has faced structural and operational challenges in carrying out our rail safety and security oversight mission for Metro. A number of major accidents, including the tragic June 22<sup>nd</sup>, 2009 collision near Fort Totten, highlighted structural problems in how WMATA approached the safety of its system. Furthermore, it highlighted the TOC's difficulty (due to a lack of regulatory authority, its legal status and bureaucratic impediments) in compelling appropriate action by WMATA in responding to critical safety deficiencies.

TOC continues to be unique in this regard. While Philadelphia and St. Louis operate two-state rail transit systems, no other system in America crosses into three jurisdictions as WMATA does- subsequently requiring three state-level agencies to coordinate on its safety and security oversight.

Even prior to June 22<sup>nd</sup>, 2009, TOC and WMATA faced a serious backlog of unfinished accident investigations (some of which dated back to 2004) as well as open safety-related Corrective Action Plans, or CAPs. TOC's primary point of contact within WMATA was the Chief Safety Officer, rather than senior management. And within WMATA, the Safety Department often faced difficulty in securing the cooperation of managers within the maintenance and rail operations departments- managers whose assistance in implementing safety plans and investigating accidents was critical. WMATA's internal safety auditing programs were weak, and its written safety rules and procedures were often inconsistent with actual operating practices.

Overall, WMATA's general focus on safety was of an occupational nature, rather than the "system safety" approach required under 49 CFR Part 659. The agency focused heavily on worker's compensation cases and lost-time accident; important

indicators of safety behavior, but not an approach geared towards identifying and resolving system-wide hazards. The effects of this attitude were compounded by an organizational culture which emphasized on-time performance and production as the highest priority. In this environment, safety concerns might not always have received appropriate attention, and employees may have felt discouraged from reporting safety concerns or near-misses due to the potential for a negative response from management.

The events of June 22<sup>nd</sup>, 2009, the recent derailment at Farragut North, the collision in the West Falls Church Yard and especially the track worker fatalities in August, September and January have all been devastating experiences. However, in their aftermath, and in response to audits by the TOC and Federal Transit Administration, WMATA has begun to make significant progress in a number of key areas.

After a public disagreement regarding access to the WMATA right-of-way between TOC and the WMATA Chief Safety Officer, the attention of the WMATA Board of Directors (as well as federal agencies such as the Government Accountability Office, FTA and Congress) helped to improve WMATA's responsiveness to TOC requests. Since that time, WMATA has made significant strides in sharing safety information, both with the TOC and within its internal operating departments.

Perhaps the best example of WMATA's commitment to a comprehensive system safety program has been the Right-of-Way Worker Protection Task Force, commonly termed the "RWP Committee." Launched after an RWP "summit" that solicited the input of other rail transit agencies, this group of key WMATA track, rail transportation, safety, emergency management and training personnel meet every week. They take on a number of significant projects with the goal of keeping track workers free from harm. Foremost among these tasks is creating a top-to-bottom track worker safety manual, with concurrent training and recertification programs.

WMATA has used the RWP Committee to effectively address many of the TOC's concerns in our December 2009 safety audit. They have opened their doors and solicited input and advice from TOC, as well as to FTA, the Federal Railroad Administration, and carriers like Conrail and Amtrak. We believe that this group demonstrates a cooperative, interdepartmental framework which could serve WMATA well in addressing other safety problems.

In partnership with our committee, WMATA has successfully coordinated the efforts of rail operations and maintenance managers with the Safety Department through a process we call "CAPTURE," or Corrective Action Plan Technical Review Entity. The CAPTURE process holds front-line managers and supervisors accountable for safety improvement plans, ensuring a consistent flow of information and helping to close out a significant backlog of unfinished Corrective Action Plans. WMATA has also taken steps to improve their internal safety audit capabilities, such as ensuring full-time agency personnel are trained and qualified to perform those duties without assistance from outside organizations.

TOC has also established strong and consistent information-sharing practices with the highest levels of WMATA leadership. Instead of dealing with mid-level management, TOC now shares quarterly progress reports with the WMATA Board of Directors, and Interim General Manager Richard Sarles has agreed to monthly progress meetings with our Committee. In addition, we look forward to presenting our assessment of WMATA's safety activities at quarterly FTA progress meetings, the next of which will occur in early May.

I am particularly pleased to note that yesterday, Governor Robert McDonnell of Virginia, Governor Martin O'Malley of Maryland and Mayor Adrian Fenty of the District of Columbia took a significant and proactive step forward in the safety of the WMATA system. They formalized a road map to strengthening and supporting the TOC and our mission. In a "white paper" agreed to by the three executives, they committed to a plan of action that will augment the Committee's transparency, independence and authority, in both the short and long terms.

In this plan's first phase, the three jurisdictions will establish a TOC Policy Committee, to ensure a timely and coordinated response to safety concerns at WMATA. The TOC will begin a comprehensive program of performance reviews and reporting of safety data, to jurisdictional leadership, WMATA officials and the public. They will also provide the Chair with additional executive authority to take prompt and effective action.

In a further phase of this plan, the two Governors and the Mayor considered both the possibility that FTA might directly take over the safety oversight mission for WMATA, or that their jurisdictions might legally establish a Metro Safety Commission in the place of the TOC. The MSC (possibly funded through the Public Transportation Safety Act) would be established as an independent legal entity with a full-time Program Director, staff, office space, and authority to set policy and mandate operating practices at WMATA. Obviously, such decisions will be influenced by the legislative action Congress chooses in this matter.

Despite the notable progress made in recent months by WMATA and TOC towards improving the safety of the Metrorail system, much additional work remains to be done. WMATA must ensure its rules and procedures are updated to reflect recent safety improvement plans in a timely basis. WMATA still has much to do to institute and sustain an effective program of hazard analysis and prioritization. The transit agency must continue the hard work of advancing its internal audit program. It must promote a culture of safety communication, in which employees and managers take responsibility for each other and for the safety of the system. And WMATA must continue to invest time, effort and resources across its departments to resolve open CAPs and investigations, as well as addressing reported hazards.

In conclusion, Mr. Chairman, I submit on behalf of the TOC our assessment that WMATA has invested considerable effort and made significant strides in recent

months to address systemic safety issues. Yet much progress remains to be made before those issues can be comprehensively resolved. In the coming days, TOC looks forward to partnering with the Congress, the FTA, the National Transportation Safety Board and WMATA to make the Nation's Capital Region Subway as safe as it can possibly be.

I thank you for your time, and look forward to your questions.