



April 29, 2010

The Honorable Peter M. Rogoff
Administrator
Federal Transit Administration
U.S. Department of Transportation
East Building
1200 New Jersey Avenue, S.E.
Washington, DC 20590

Dear Administrator Rogoff:

The Board of Directors and the Executive Leadership Team at the Washington Metropolitan Area Transit Authority (WMATA) carefully reviewed the Federal Transit Administration's Audit of the Tri-State Oversight Committee (TOC) and the Washington Metropolitan Area Transit Authority Final Audit Report, dated March 4, 2010. In addition, we provided a copy of this report to the President and Chief Safety Officer of Amalgamated Transit Union (ATU) Local 689 and to other WMATA employees throughout this Agency. We have also requested feed-back from our employees on the report's 10 recommendations to WMATA and the five findings that relate to WMATA that were directed to TOC.

We have learned much from this audit and we greatly appreciate the involvement and requests made on behalf of the United States Department of Transportation (USDOT) Secretary Ray LaHood and U.S. Senator Barbara Mikulski of Maryland to accelerate the timing of this assessment.

We have prepared this letter to present our proposed approach to address your recommendations, and to officially transmit our corrective action plan (CAP) to both you and the TOC for review. In addition, we present actions already underway to improve safety in the areas of staffing, communications, track worker protection, and rail operations. As you know, Metro is committed to improving transparency and communication with our customers and other stakeholders.

**Washington
Metropolitan Area
Transit Authority**

600 Fifth Street, NW
Washington, DC 20001
202/962-1234

By Metrorail:
Judiciary Square—Red Line
Gallery Place-Chinatown—
Red, Green and
Yellow Lines
By Metrobus:
Routes D1, D3, D6, P6,
70, 71, 80, X2

*A District of Columbia,
Maryland and Virginia
Transit Partnership*

Background

In the aftermath of the Ft. Totten collision and in light of the well-publicized difficulties that TOC encountered assessing WMATA's right-of-way safety program, FTA decided to assess WMATA's safety program as well. WMATA's Acting Chief Safety Officer also requested that FTA's audit more closely examine WMATA's System Safety Program Plan (SSPP). For this audit FTA departed from its normal process of focusing primarily on the state safety oversight agency.

The FTA audit, therefore, focused on:

- The effectiveness of both TOC and WMATA's implementation of FTA's State Safety Oversight (SSO) rule (49 CFR Part 659);
- The level and quality of coordination between TOC and WMATA to ensure safety for WMATA's passengers and employees; and
- Follow-up on three open non-compliance findings from its 2007 audit of TOC.

General Deficiencies and Challenges Identified

Throughout the course of the audit, FTA identified several deficiencies regarding the implementation of 49 CFR Part 659, as well as on-going challenges in maintaining the quality of the oversight relationship. To address these concerns, FTA issued 21 total findings and recommendations – 11 findings to TOC and 10 recommendations to WMATA. In general, FTA found that while WMATA's Executive Leadership Team is working more closely with TOC, WMATA's Safety Department was not "plugged-in" to critical conversations, decision-making meetings, and reporting systems that provide information on hazards and potential safety concerns throughout the agency. In addition, FTA identified that WMATA's in-house safety capabilities and expertise have been depleted over the past years through reorganization and work force reductions, resulting in the inability of the entire organization to consistently meet the requirements of TOC's Program Standard and 49 CFR Part 659.

Findings and Recommendations

In the audit report, FTA issued specific findings and recommendations to TOC and WMATA to address the identified deficiencies and challenges.

To TOC, FTA issued findings where it was determined that a required component of TOC's program did not meet FTA's SSO program requirements (49 CFR Part 659). To WMATA, since FTA lacks direct regulatory authority of rail transit agencies, FTA issued recommendations where it believed improvement was needed. Though WMATA is under no legal obligation to address these recommendations, FTA believes these recommendations support more effective implementation of safety program elements. Further, FTA indicated that they would provide technical assistance and on-site support to help WMATA address the recommendations in their audit report. FTA made the following recommendations to WMATA:

1. Conduct an assessment to identify the resources and expertise necessary for the Safety Department to carry out the activities specified in WMATA's System Safety Program Plan and Safety Rules and Procedures Manual.
2. Use the results of the assessment to ensure adequate staffing levels and expertise within the Safety Department.
3. Increase the Safety Department's access to operating and maintenance information and reports to ensure that this information is being analyzed for potential impacts on the safety of WMATA.
4. Develop an internal process to require the communication of safety-related information across all WMATA departments, including the impacts of budget reductions and resource constraints on the performance of safety-related maintenance activities and requirements.
5. Define and implement the process for the Chief Safety Officer to communicate safety priorities to the General Manager in a timely and consistent manner.
6. Identify the technical skills required to perform system-wide hazard analysis (as required in 49 CFR Part 659 and TOC's Program Standard). To the extent that WMATA Safety Department staff does not currently possess the needed skills, provide training as soon as practicable.

7. Update the WMATA System Safety Program Plan (specifically Procedure #2.1/O and Section 6) to develop a hazard management process that ensures that all WMATA departments participate in an on-going manner.
8. Institute a process to ensure that changes in operating rules are analyzed for safety impacts before system-wide implementation, ensuring, for example, that WMATA engineering bulletins are "field tested" before full implementation.
9. Finalize the right-of-way protection rules, develop training to implement the new rules and ensure all right-of-way employees and contractors receive this training before accessing the right-of-way.
10. Implement the configuration management program described in the WMATA System Safety Program Plan.

FTA made the following findings to TOC:

1. Require WMATA to complete a timely, thorough, and competent review and update of WMATA's Safety Rules and Procedures Manual. This review and update must reflect actual current practices and needed improvements identified by TOC and by FTA in this audit report.
2. Require WMATA to develop (and TOC to review and approve) an internal WMATA safety audit recovery plan for calendar year 2010 and calendar year 2011. Before WMATA develops this plan, TOC should sponsor a meeting with WMATA's Safety Department, Quality Department, and Executive Leadership Team to explain the internal safety audit program requirements and TOC's expectations regarding WMATA's internal safety audit recovery plan.
3. Require WMATA to develop a recovery plan to complete all open accident investigations following procedures established in TOC's

Program Standard, WMATA's System Safety Program Plan and WMATA's Accident Investigation Procedures.

4. Require WMATA to develop and implement a comprehensive and system-wide hazard management program (as required by 49 CFR Part 659.31).
5. Require WMATA to strictly adhere to the annual certification of compliance with its System Safety Program Plan (as specified in 49 CFR 659.43), including identifying areas where WMATA is not in compliance with its System Safety Program Plan as well as specific actions WMATA is taking to achieve compliance.

Immediate Actions

FTA requested that WMATA respond to the audit recommendations by May 4, 2010. Due to the serious nature of the recommendations and our ongoing effort to improve safety performance, WMATA has initiated the following immediate actions and has identified longer-term solutions.

Staffing

The FTA audit and other assessments have identified lack of sufficient safety staff and expertise as an issue at WMATA. To address that issue, WMATA has hired a new Chief Safety Officer, James Dougherty, who began his duties on April 19. Mr. Dougherty brings 25 years of experience in transit safety, occupational safety and health, industrial hygiene and environmental protection, and he will report directly to the General Manager. In addition, we have filled six of twelve new positions in the Safety Department, and we expect to fill the remaining vacancies within 60 days. These new positions will help us to effectively investigate incidents/accidents, review and document safety policies and procedures, ensure safety protocols are in place and implemented, and analyze safety trends and identified hazards. We are also arranging for needed training for our safety personnel with the Transportation Safety Institute, an arm of the U.S. Department of Transportation.

Communications

Lack of communications across and within departments has also been cited in various reports as a challenge for WMATA. We have recently begun several new communications initiatives. For example, to improve communication between the Safety Department and operational

personnel, safety officers are assigned to each bus and rail division. These safety officers participate in regular meetings of the front-line staff in their division, as well as interact on a daily basis with operations employees on safety-related matters.

In addition, my predecessor John Catoe held six "Safety Action Report Out" meetings with 60 front-line superintendents to increase their awareness and accountability regarding safety. I intend to continue those meetings on a regular basis. We have also established a cross-departmental Safety Action Team tasked with finding ways to create a safer organization and strengthen the integration of safety into all operations and maintenance efforts. The Team's first initiative is designed to further improve communications with front-line employees to ensure that safety-related information, as well as other messages, reaches all employees regardless of their work location.

Track Worker Protection

Employees who work on and around our track areas are exposed to dangerous situations each day they come to work. Protection of these workers must be robust and effective. WMATA is committed to improving our current practices and has established a cross-departmental Roadway Worker Protection Work Group, which includes representatives from several WMATA departments, union representatives, as well as representatives from FTA, TOC, peer agencies and the Federal Railroad Administration (FRA). This group will create a new Roadway Worker Protection Manual, will develop a new roadway worker training plan, and will test and evaluate new technologies and processes for use in the WMATA system; these activities are expected to be complete by October 2010.

WMATA's track environment shares certain characteristics with other transit and rail systems, and we have reached out to our peers to learn from them and share best practices. WMATA conducted a workshop in January with peer transit agencies, FTA, TOC, and union representatives, and a roundtable discussion in April with the FRA and inter-city rail operators. The results of these discussions will be reflected in the new manual and training component being developed by the Work Group.

Rail Operations

In addition to operational changes implemented in response to the June 22, 2009 accident, WMATA continues to respond to earlier National Transportation Safety Board (NTSB) recommendations. We expect to award a contract in the near future to begin building railcars to replace the 1000 series cars, our oldest vehicles, as the NTSB has recommended. In addition, we are continuing to add rollback protection for rail cars operating in manual mode, another NTSB recommendation. More than 800 of our cars already have such protection, and we are working to install it on the remaining 300 cars in our fleet.

Longer Term Actions

In addition to the many short-term actions already underway, WMATA has identified mid- to long-term initiatives that must be executed to ensure that WMATA institutionalizes safety actions, plans and current progress. Many of the longer-term initiatives support our efforts to resolve findings FTA made to TOC during the SSO audit.

WMATA is coordinating with TOC to ensure that TOC has information necessary to respond to FTA's audit findings, including corrective action plans and schedules for implementation. As you are aware, many of the recommendations and findings may require organizational changes and cannot be implemented overnight. However, WMATA is working to address both the recommendations by FTA and the findings made to TOC in the most expeditious manner possible. WMATA may be requesting support from FTA and consultants to help identify, implement and institutionalize safety solutions. WMATA believes that the next two to three years are extremely important for the organization and is, therefore, working on long-term action plans that can be incorporated into WMATA's new way of doing business.

Safety Action Plan

While we have made progress with regard to safety, we still have work to do. I have established the following safety-related priorities for the next six to twelve months:

- **Fill remaining safety department vacancies and increase training.** Specifically, we must continue to have front-line safety briefings while we develop more effective right-of-way training and identify other needed training for front-line staff. In addition, we have

begun labor relations training for supervisors of represented employees, re-emphasizing the supervisors' role in safety; we intend to complete that training by the end of 2010.

- **Continue accelerated close-out of open safety-related audit findings.** With the approval of the TOC, WMATA develops corrective action plans (CAPs) in response to findings from both external and internal audits and investigations. WMATA has closed over 195 CAPs since 2007, with the rate of closure increasing significantly in recent months. Currently 85 CAPs remain open (including CAPs that were recently added in response to the TOC's Roadway Worker Protection study and internal safety audits). I have communicated to my staff that continuing to close CAPs promptly is a top priority. I am particularly focused on responding to the recommendations in FTA's audit report; we have established a CAP for each of the ten recommendations, with expected completion within the next six months. (Please see attachment #1 for details.)

Develop incident tracking and safety management reporting system. We are taking advantage of improvements in technology to develop a web-based tool to allow for communication of safety-related information, including identified hazards and tracking across departments. Initial development is expected to be complete by the end of August 2010.

Encourage near-miss reporting, including anonymous hotline and strengthened whistleblower protection. Former WMATA General Manager David Gunn's report cited WMATA for having a "shoot-the-messenger" culture. I am taking steps to end that perception. In one of my first communications to employees, I informed all employees of the existence of a safety hotline and safety email address through which they can report safety concerns, anonymously if desired. In addition, on April 22, 2010, the Metro Board approved a resolution instructing the General Manager to update Metro's whistleblower protection policy to encourage employees to raise safety-related concerns.

Complete new right-of-way worker protection manual and revisions to Metrorail Safety Rules and Procedures Handbook (MSRPH). When rules are outdated or unclear, they tend to be ignored. During the next six to nine months we intend to complete work on a new set of rules for right-

of-way workers as well as an updated MSRPH, with rules and procedures that are clear, up-to-date, and effective.

Complete self-assessment of safety-related internal controls and initiate thorough assessment of safety culture. We intend to complete further self-assessments in safety-related areas, the first of which is focused on internal controls. In addition, we have contacted the U.S. Department of Transportation, the AFL-CIO, and the American Public Transportation Association to seek their assistance in assembling a team of experts not only to review WMATA's safety culture, but also to recommend specific measures to improve that culture and to provide assistance in implementing those recommendations. We intend to initiate this review within the next six months, while recognizing that organizational culture change is a long-term process.

Schedule

On Thursday, April 22, 2010, the WMATA Board of Directors gave me the authority to spend approximately \$7 million dollars in an effort to address many of the findings and recommendations associated with this audit in an effort to improve safety for this system. As you can see in the attached corrective action plan, we are proposing specific actions to address all those recommendations in a comprehensive manner and with specific timelines, and have identified responsible WMATA employees who are accountable for same.

Conclusion

We look forward to working with the FTA and the TOC to strengthen the safety of our Metro system for the benefit of our patrons and employees. Please do not hesitate to contact me with any questions or concerns.

Sincerely,



Richard Sarles
General Manager

Enclosure

The Honorable Peter M. Rogoff
Page 10

cc: (via email):

WMATA: Board of Directors,
J. Dougherty, WMATA
M. Taborn, WMATA
D. Kubicek, WMATA
C. Dziduch, WMATA
D. Epps, WMATA
R. Bitar, WMATA
C. Krukowski, WMATA
M. Henry, WMATA
D. Adams, WMATA
D. McCoy, WMATA
M. Bassett, TOC
E. Madison, TOC
E. Smith, TOC
E. Recio, TOC
D. Harlan, TOC
K. Page, TOC
G. Good, TOC
B. Bridges, TOC
T. Luglio, TRA
K. Korach, TRA
R. Kogan, TRA
M. Flanigon, FTA
L. McElveen, FTA
I. Rosario, FTA
A. Boyd, FTA
J. Caton, FTA
J. Southworth, NTSB

Enclosure #1

WMATA Response to Recommendations in the March 4, 2010 Federal Transit Administration Safety Audit

Recommendation	Actions Taken	Next Steps	Completion Date	Responsible Person
#1 Conduct assessment to identify resources and expertise necessary for Safety Dept. to carry out activities specified in System Safety Program Plan and Safety Rules and Procedures Manual	Developed statement of work for contractor support	Initiate and award contract, with Board approval. received April 22, 2010	Final Report, including identified needs and recommendations by end of August 2010	Chief Safety Officer(CSO) James Dougherty
#2 Use results of assessment to ensure adequate staffing levels and expertise within Safety Department	Included in statement of work under #1	Initiate and award contract, with Board approval received April 22, 2010	Issuance of Safety Dept. staffing & recruitment plan by end of August 2010	CSO James Dougherty
#3 Increase Safety Dept.'s access to operating & maintenance information and reports to ensure this information is being analyzed for potential impacts on safety	Established Interdepartmental Safety Working Group, now receiving monthly reports on operations/maintenance	Review process for information-sharing and quality of information shared	Formalize process by end of August 2010	CSO James Dougherty DGM of Oper. D. Kubicek
#4 Develop internal process to require communication of safety-related info. across depts., including impacts of budget reductions & resource constraints on performance of safety-related maintenance activities/requirements	Initiated development of web-based tool	Develop process for identifying and evaluating maintenance-related safety issues	Complete development by end of August 2010	CSO James Dougherty DGM of Oper. D. Kubicek
#5 Define and implement the process for the top Safety Department position to communicate safety priorities to the GM in a timely and consistent manner	Chief Safety Officer (CSO) now reports directly to General Manager	Continue weekly CSO meetings and reports to GM; revise System Safety Program Plan to reflect relationship	Completed by end of April 2010	CSO James Dougherty
#6 Identify technical skills required to perform system-wide hazard analysis; if needed, provide training as soon as practicable	Included in statement of work under #1	Initiate and award contract, with Board approval	Contractor to issue needs assessment & training plan by end of August 2010	CSO James Dougherty
#7 Update the System Safety Program Plan to develop a hazard management process that ensures all departments participate in an on-going manner	Interdepartmental Safety Working Group has met to design a new process	Confirm design of new process with contractor support	Completed by end of September 2010	CSO James Dougherty DGM of Oper. D. Kubicek
#8 Institute process to ensure changes in operating rules are analyzed for safety impacts before system-wide implementation	Outreach to peer transit agencies for model forms and processes has begun	Continue outreach to peer agencies and consultation with union; revise rule book	Metro rail Safety Rules and Procedures Handbook revisions completed by end of September 2010	CSO James Dougherty DGM of Oper. D. Kubicek
#9 Finalize right-of-way protection rules; develop training to implement new rules. Ensure all ROW employees & contractors receive training before accessing ROW.	Roadway Worker Protection Working Group established; new manual has been drafted; workshop and roundtable held	Finalize new manual; finalize new training program	Roll out of new training program in October 2010	CSO James Dougherty DGM of Oper. D. Kubicek
#10 Implement configuration management program described in System Safety Program Plan	Included in statement of work under #1	Initiate and award contract, with Board approval received April 22, 2010	Create action plan & training program by end of September 2010	CSO James Dougherty DGM of Oper. D. Kubicek

April 2010

Enclosure #2

WMATA Response to FTA Findings of the TOC that relate to WMATA in the March 4, 2010 FTA Safety Audit

Recommendation	Actions Taken	Next Steps	Completion Date	Responsible Person
<p>Finding #1 Require WMATA to complete a timely, thorough, and competent review and update of WMATA's Safety Rules and Procedures Manual.</p>	<p>The update of both the SSPP and WMATA's Safety Rules and Procedures Manual will be included as part of the contractor SOW for the Safety Assessment and Hazard Management Program.</p>	<p>Seek permission to initiate and award contract with WMATA Board approval</p> <p>Board Approval received April 22, 2010</p>	<p>MSRPH revisions to be completed by the end of September 2010.</p>	<p>Chief Safety Officer- James Dougherty</p> <p>Mr Charlie Dziduch</p>
<p>Finding #2: Require WMATA to develop (and TOC to review and approve) an internal WMATA safety audit recovery plan for calendar year 2010 and calendar year 2011.</p>	<p>The Safety Assessment and Action Plan will ensure that we have personnel skilled in auditing in the Safety Department.</p> <p>We also will receive contractor support in reviewing and updating our existing checklists and procedures.</p>	<p>Seek permission to initiate and award contract with WMATA Board approval</p> <p>Board Approval received April 22, 2010</p>	<p>Completed by the end of August 2010</p>	<p>Chief Safety Officer- James Dougherty</p>
<p>Finding #3 Require WMATA to develop a recovery plan to complete all open accident investigations following procedures established in TOC's Program Standard, WMATA's System Safety Program Plan and WMATA's Accident Investigation Procedures.</p>	<p>We are working closely with TOC to address this finding and have made considerable progress.</p>	<p>In the May 4, 2010 submission, both TOC and WMATA will report that a recovery plan of closing at least ten open accidents investigations per month is accomplished.</p>	<p>The goal is to completed 90% by the end of September 2010</p>	<p>Chief Safety Officer- James Dougherty</p>
<p>Finding #4: Work with WMATA to ensure that there is a process in place for evaluating Corrective Action Plan (CAP) alternatives that may be necessary as a result of capital and operating program resource limitations.</p>	<p>The contractor SOW for the hazard management work will also address this issue.</p>	<p>Seek permission to initiate and award contract with WMATA Board approval</p> <p>Board Approval received April 22, 2010</p>	<p>Completed by the end of August 2010</p>	<p>Chief Safety Officer- James Dougherty</p> <p>DGM of Operations- Dave Kubicek</p>
<p>Finding #5: Require WMATA to develop and implement a comprehensive and system-wide hazard management program (as specified in 49 CFR Part 659.31).</p>	<p>Interdepartmental Safety Working Group to design new process has taken place and with contractor support and will:</p> <ul style="list-style-type: none"> • Integrate into web-based tool • Integrate into Internal Safety Audit process and Quality Assurance (QA) process • Integrate into day-to-day activities 	<p>Seek permission to initiate and award contract with WMATA Board approval</p> <p>Board Approval received April 22, 2010</p>	<p>Create action plan & training program by end of September 2010</p>	<p>Chief Safety Officer- James Dougherty</p> <p>DGM of Operations- Dave Kubicek</p>