

Washington Metropolitan Area Transit Authority
Board Action/Information Summary

Action Information

MEAD Number:
201553

Resolution:
 Yes No

TITLE:

Overview NTSB Investigative Hearing Process

PRESENTATION SUMMARY:

The National Transportation Safety Board (NTSB) has informed Metro that we are one of the parties to and will be also providing testimony as key witnesses to the investigative hearing on the 23rd and 24th of June 2015 concerning the smoke and electrical arcing accident in the tunnel near L'Enfant Station on the 12th of January 2015. The investigative hearing is part of the fact-finding process prior to the NTSB issuing its final report in 2016.

PURPOSE:

To provide an overview of the NTSB investigative hearing process and structure, and Metro's role and responsibility in the process.

DESCRIPTION:

As part of its investigation of the accident, the NTSB will be holding an investigation hearing to gather more information and question witnesses from both Metro and other entities that have roles and responsibility in ensuring the public safety.

Key Highlights:

- NTSB has scheduled the investigative hearing on 23rd and 24th of June 2015
- Metro will provide witness testimony in key areas, as well as being named as a party to the investigative hearing
- Seven other parties have also been named and will be permitted to question the witnesses
- Four panels with two sessions per day; day one panels will be infrastructure and emergency response and the second day panels will consist of organizational culture and oversight
- The NTSB final report is anticipated to be published in 2016

Background and History:

The National Transportation Safety Board was established in 1967 to conduct independent investigations of all civil aviation accidents in the United States and major accidents in the other modes of transportation. It is not part of the Department of Transportation, nor organizationally affiliated with any of Department of Transportation's (DOT) modal agencies, including the Federal Aviation Administration (FAA). The Safety

Board has no regulatory or enforcement powers.

To ensure that Safety Board investigations focus only on improving transportation safety, the Board's analysis of factual information and its determination of probable cause cannot be entered as evidence in a court of law. Safety recommendations are the most important part of the Board's mandate. The Board must address safety deficiencies immediately, and therefore often issues recommendations before the completion of investigations. Recommendations are based on findings of the investigation, and may address deficiencies that do not pertain directly to what is ultimately determined to be the cause of the accident.

The NTSB designates other organizations or corporations as parties to the investigation. Other than the FAA, which by law is automatically designated as a party for aviation incidents, the NTSB has complete discretion over which organizations it designates as parties to the investigation. Only those organizations or corporations that can provide expertise to the investigation are granted party status and only those persons who can provide the Board with needed technical or specialized expertise are permitted to serve on the investigation; persons in legal or litigation positions are not allowed to be assigned to the investigation. All party members report to the NTSB.

Eventually, each investigative group chairman prepares a factual report and each of the parties in the group is asked to verify the accuracy of the report. The factual reports are placed in the public docket.

The NTSB may hold a public hearing as part of a major transportation accident investigation. The purpose of the hearing is two-fold; first, to gather sworn testimony from subpoenaed witnesses on issues identified by them during the course of the investigation, and, second, to allow the public to observe the progress of the investigation. Hearings are usually held within six months of an accident, but may be delayed for complex investigations.

Many months of tests and analysis eventually lead to the preparation of a draft final report by NTSB staff. Parties do not participate in the analysis and report writing phase of NTSB investigations; however, they are invited to submit their proposed findings of cause and proposed safety recommendations, which are made part of the public docket. The NTSB then deliberates over the final report in a public meeting. Non-Safety Board personnel, including parties and family members, cannot interact with the NTSB during that meeting.

Once the major report is adopted at a NTSB meeting, an abstract of that report - containing the NTSB's conclusions, probable cause and safety recommendations - is placed on the their web site under "Publications". The full report typically appears on the web site several weeks later. This may take up to a full year from accident to final issued report.

Discussion:

On the 12th of January 2015, Metro experienced a smoke and electrical arcing accident in the tunnel near L'Enfant Plaza Metro Station causing a disruption of passenger rail service in the area. There were over 100 injuries, mostly smoke inhalation, and one

fatality. Immediately afterwards, the NTSB launched a formal investigation into the cause(s) of the accident. Throughout the investigation and continuing today, Metro has fully cooperated, including the submission of over seventeen thousand documents and hours of interviews and other physical material.

Early in the investigative process, the NTSB issued three early safety recommendations (R-15-8, R-15-9 and R-15-10) and Metro ordered 10 early safety actions. These actions were identified in collaboration with the NTSB investigative team and further enhanced the safety of the system. Furthermore, in April 2015 Metro issued an additional four early safety actions.

As part of the investigation and within the NTSB’s authority, Metro received notice on the 4th of February 2015 of the upcoming investigative hearing on the incident. Metro, as well as representatives from the District of Columbia’s Fire Department/Office of Unified Communication and the Metropolitan Police, Amalgamated Transit Union Local 689, Tri-State Oversight Committee, International Association of Fire Fighters and Bureau of Alcohol, Tobacco, Firearms and Explosives have been designated as a “party to” the investigative hearing. In addition, Metro will provide witnesses to testify in key areas such as infrastructure, emergency response, and organizational safety culture. The fourth area of interest by the NTSB during the investigative hearing is state and federal oversight of mass transit properties. Metro has not been requested to submit a witness for this area.

The NTSB investigative hearing will consist of the NTSB Board members, NTSB experts (staff), designated parties (like Metro) and witnesses. Over the two days and four panels, NTSB Board members, experts and designated spokesperson for each party will take turns asking witnesses questions relevant to their area of expertise. Upon completion of the hearing, all of the parties will be afforded an opportunity to review factual reports for technical accuracy. Metro may submit its own proposed findings of cause and corrective actions as part of the final record. Metro anticipates the final report to be published in 2016.

FUNDING IMPACT:

Define current or potential funding impact, including source of reimbursable funds.	
Project Manager:	James M. Dougherty
Project Department/Office:	SAFE
	Information Item Only

TIMELINE:

Previous Actions	<ul style="list-style-type: none"> • In January 2015, issued 10 early safety actions in collaboration with NTSB investigative team to enhance safety • In April 2015, issued four additional early safety actions to enhance safety
	<ul style="list-style-type: none"> • Continue full cooperation with the NTSB Investigation

Anticipated actions after presentation	<ul style="list-style-type: none">• Provide Safety & Security Committee an update on the process at future meeting
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RECOMMENDATION:

To provide the Safety & Security Committee of the Board information on the NTSB investigative hearing process, structure and Metro's role and responsibility in the process.



Washington Metropolitan Area Transit Authority

Overview of National Transportation Safety Board Investigative Hearing

Moving Metro Forward **Safely**

Safety and Security Committee
May 28, 2015



Background

- On January 12, 2015 Metro experienced a smoke and electrical arcing accident in a tunnel near L'Enfant Plaza Metro Station
- There was 1 fatality and over 100 injuries
- National Transportation Safety Board (NTSB) launched a formal investigation
- On February 4, 2015, Metro received notice of the upcoming investigative hearing





NTSB Organization

- Established in 1967 to conduct independent investigations
- Board consist of five members nominated by President
- Independent U.S. government investigative agency
- Not affiliated or part of Department of Transportation
- Has no regulatory or enforcement powers
- Board's analysis or facts cannot be used as court evidence
- Safety recommendations are primary mandate





NTSB Investigative Hearing

- Purpose is two-fold:
 - Gather sworn testimony from key personnel
 - Allow the public to observe the progress
- WMATA will provide witness testimony in key areas as well as serve as one of the parties to the investigative hearing
- Hearing's "party status" permits WMATA to question witnesses
- WMATA has formed the hearing's party panel with a single spokesperson





NTSB Investigative Hearing

- Other named parties include:
 - District of Columbia Fire Department / Office of Unified Communication
 - Amalgamated Transit Union Local 689
 - Federal Transit Administration
 - Tri-State Oversight Committee
 - International Association of Fire Fighters
 - District of Columbia Metropolitan Police
 - Bureau of Alcohol, Tobacco, Firearms and Explosives
- Four panels with two sessions per day
- Final report anticipated in 2016



NTSB Panels

Tuesday, June 23, 2015

- Infrastructure
- Emergency Response

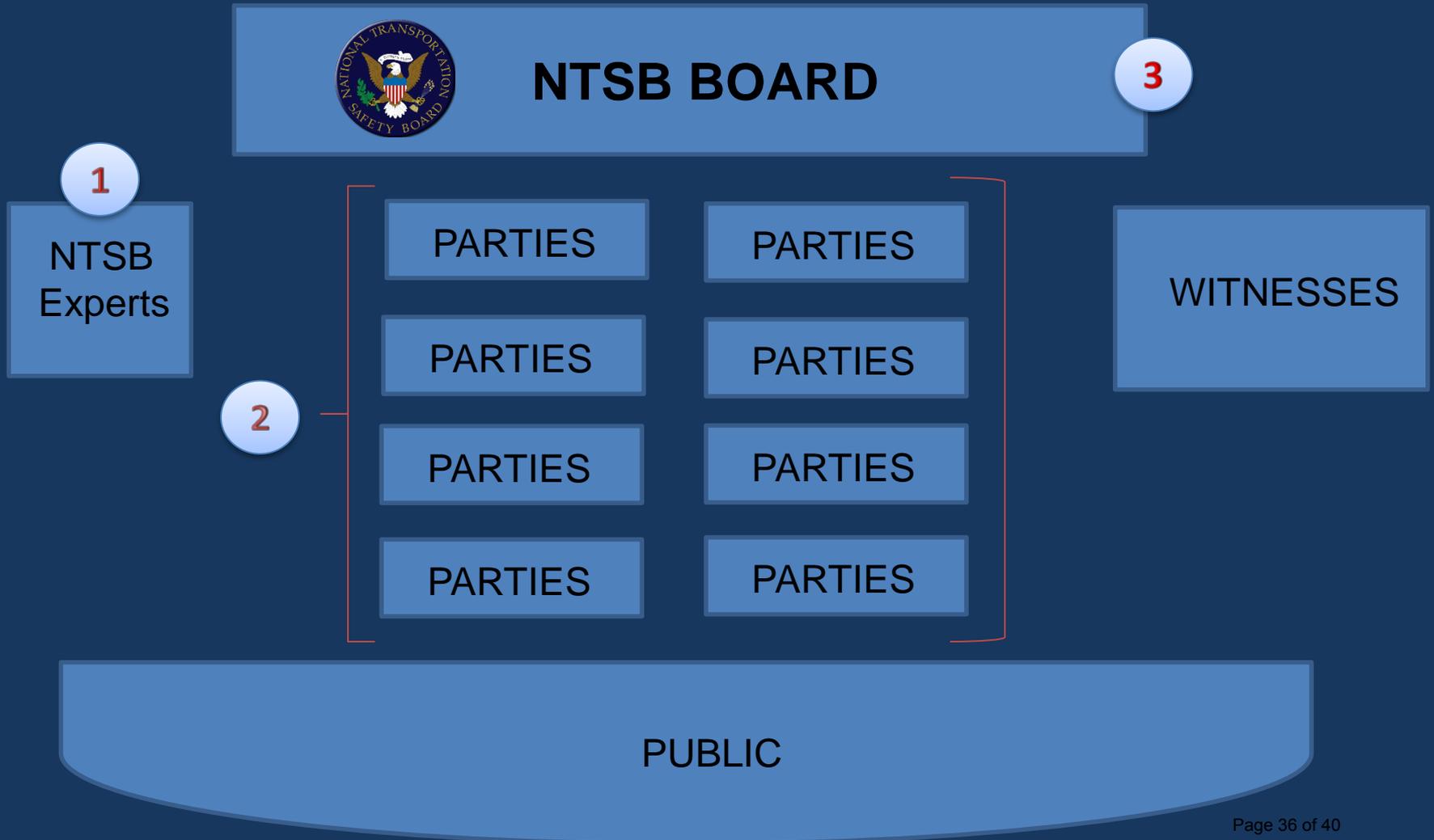
Wednesday, June 24, 2015

- Organizational Culture
- Oversight



NTSB Investigative Hearing Room

490 L'Enfant Plaza East, SW Washington, DC





Next Steps

- NTSB continues to prepare a final report
- All of the parties will be afforded an opportunity to review factual reports for technical accuracy
- Affected parties do not participate in the analysis and report writing
- WMATA may submit its own proposed findings of cause and corrective action
- NTSB will adopt and publicly release final report and abstract
- WMATA will continue to be proactive and take necessary corrective safety actions

