



December 2, 2016

# A Safe Track?: Oversight of WMATA's Safety and Maintenance

Subcommittee on Transportation and Public Assets and Subcommittee on  
Government Operations, Committee on Oversight and Government  
Reform, United States House of Representatives, One Hundred  
Fourteenth Congress, Second Session

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General Manager  
Washington Metropolitan Area Transit Authority  
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The Honorable Christopher A. Hart  
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Mr. Mathew Welbes  
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Mr. Jack Evans  
Chairman of the Board  
Washington Metropolitan Area Transit Authority  
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Mr. Raymond Jackson  
Second Vice President  
Amalgamated Transit Union, Local 689  
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Testimony of Paul J. Wiedefeld, General Manager and Chief Executive Officer of the  
Washington Metropolitan Area Transit Authority

Before a joint hearing of the Subcommittee on Transportation and Public Assets and the  
Subcommittee on Government Operations under the Committee on Oversight and  
Government Reform

U.S. House of Representatives  
Friday, December 2, 2016

Good afternoon, Chairman Mica, Chairman Meadows, Ranking Member Duckworth, Ranking Member Connolly and Members of the Subcommittees. Thank you for the opportunity to testify today. I am Paul Wiedefeld, General Manager and Chief Executive Officer of the Washington Metropolitan Area Transit Authority, known as Metro.

I joined Metro a year ago with more than 35 years of public and private sector experience in the transportation field. Prior to joining Metro, I ran Baltimore/Washington International Airport twice, from 2002 to 2005 and again from 2009 to 2015, and in between, I served as head of the Maryland Transit Administration.

### **Making Progress in 2016**

Immediately upon joining Metro, we went to work to restore public confidence by improving safety and security, making service more reliable, and getting Metro's financial house in order.

As we work to improve Metro, I have sought to make it clear to our customers, employees, and the entire region that "Safety Trumps Service". This message has been communicated across the Authority and we are seeing results. While speed restrictions and other safety actions may be inconvenient, these actions are evidence that safety is now our number one priority.

Before discussing safety in greater detail, I would like to share some of the initiatives undertaken over the past year to improve Metro.

We streamlined Metro's senior management, cutting the executive team from 20 to 10 and recruiting high-caliber executives, including new safety and operations chiefs with more than three decades of experience in the New York City subway system.

More accountability is being demanded. New policies governing nepotism and ethics were enacted and all managers and non-represented employees were designated as "at-will" employees. Twenty at-will managers were released from employment. To further improve efficiency, 500 redundant or not essential positions to our core mission were eliminated.

Due to the generous support of Congress, new safer, more reliable new trains are serving more customers. Over the past year, delivery of new 7000 Series rail cars from Kawasaki's Nebraska plant was accelerated from 8 to 20 cars per month. The 7000 series cars operate as 8-car train sets and, today 27, 7000 series train sets are in passenger service.

Metro also introduced a number of popular customer features, including an exit/entry grace period that delivered more than 150,000 credits in the first three months, a new website geared for mobile users, a station WiFi pilot, and online customer service support through social media.

On the bus side, accessibility for all riders has improved, as the active fleet of 1,500 buses has been converted to 100% low floor. For paratransit customers, a pilot program was developed called Abilities-Ride that will give riders more choice between public and private transportation carriers, and provide savings at the same time.

And on the financial side of the house, Metro ended Fiscal Year 2016 on budget, and received an on-time, "clean" audit with no new findings for the first time in three years. Also, for the first year in recent history, Metro's capital program invested a billion dollars in the system, driven primarily by improved management and the accelerated delivery of new rail cars.

With regard to safety, when the deteriorated condition of the tracks presented safety concerns, we shut down the system. Layers of inspections and quality control measures have been implemented that dramatically increased train speed restrictions, further protecting passengers and employees.

## **SafeTrack**

In June, SafeTrack was launched to address the worst track conditions. This program is an accelerated track work plan to address safety recommendations and rehabilitate specific segments of the Metrorail system to improve safety and reliability. SafeTrack accelerates three years' worth of work into approximately one year. At the time that SafeTrack began, Metrorail was open 135 out of 168 hours per week, leaving insufficient time for maintenance and other necessary track work. The plan significantly

expands maintenance time on weeknights, weekends and midday hours and includes 15 "Safety Surges" - long duration track outages for major projects. To date, during SafeTrack, we have installed more than 26,000 crossties and 10,000 fasteners. This is more crossties than were installed in all of FY16 and enough fasteners that it would have taken 8 months of night and weekend work. In addition, over 17,000 linear feet of rail and over 9,800 linear feet of grout pads have been replaced.

In addition to the track work that is the primary focus of SafeTrack, we are taking advantage of the Surges to advance a number of other projects. We have made significant advancements on inspecting ETS boxes (280 to date), replacing high voltage cables (759 to date), refurbishing signals (71 to date) and inspecting Intrusion Detection Warning (IDW) boxes (2057 boxes to date). All of this work has been done by capitalizing on the outages to deliver other work that would have required a separate event to access the roadway.

Outside of the Surges, significant work was completed on other areas of the system. Since the start of SafeTrack, crews have been focused on the Red Line and addressing speed restrictions and other urgent, unplanned work. The expanded work window created by the early closures and late night single tracking scheduled as part of SafeTrack is being leveraged to complete the added work.

The Red Line between Medical Center and Dupont Circle continues to be an area requiring focused maintenance attention, as noted in our inspections and the Federal Transit Administration (FTA) inspection reports. A crew that has been dedicated to this area since July, has made significant progress improving this section by cleaning drains and removing debris, as water and mud are leading causes of deterioration of the track and underlying structure.

By closing the system at midnight on weekends and expanding weekday maintenance opportunities, SafeTrack addresses FTA and NTSB safety recommendations and deferred maintenance backlogs, while restoring track infrastructure to good health.

I would like to address concerns raised by recent news reports about SafeTrack.

First, SafeTrack is not over budget. SafeTrack is an accelerated track work plan, to address planned work that was already budgeted. The FY17 capital budget, which was developed in late-2015 and approved in March allocated \$60 million for track work. SafeTrack requires that an additional \$60 million be accelerated from future years of Metro's approved 6-year Capital Improvement Program into the current budget year. This is consistent with our public comments about the budget for SafeTrack and with the report indicating SafeTrack would cost \$118 million.

I would also like to address concerns that Metro is not following our specifications regarding SafeTrack repairs, specifically regarding the size of crossties. Under SafeTrack, most original crossties from the 1980's are being replaced with crossties that

meet our current standards. Metro's crosstie standards reference the American Railway Engineering and Maintenance-of-Way Association (AREMA), the same standard used by freight railroads in the United States. A report and photo of a narrow crosstie appears to be a crosstie that was original to Metro's construction, not a newly installed crosstie. Further, the AREMA standard allows a limited number of crossties to measure the same dimension as noted in the FTA report and photo. We are working closely with the FTA to respond to this concern and I would like to assure this committee that we are following our guidelines as we rebuild the Metrorail system.

### **Preventive Maintenance Program**

We have achieved significant progress with the SafeTrack program; however, it is not a cure-all on its own. To sustain progress, we must provide adequate track time to address the FTA recommendations, which include maintaining the rehabilitated tracks and signals; mitigating water intrusion; maintaining lighting, fans, and other life-safety systems; testing and inspecting equipment; and conducting training in emergency preparedness. During a November 3 WMATA Board committee meeting, a preventive maintenance program was presented to explain exactly how we will use the night-time hours and why the work is needed to operate a safe system.

The preventive maintenance program will require a 5% reduction in passenger service hours that will impact less than ½% of our total ridership. This program will reduce service disruptions due to track failures such as insulator fires, cable fires, broken joint bars, and broken fasteners. Further, this program will create opportunities to identify and repair track problems before they disrupt daytime rail service.

The additional time would allow for new preventive maintenance programs, including quality control and quality assurance, basic maintenance tasks prescribed by our standards and industry best practices, as well as benefiting capital programs. At the conclusion of SafeTrack, Metro will commence industry standard PM programs. Prior to SafeTrack, these critical programs had either been inadequately implemented or not carried out to a degree sufficient to deliver meaningful results. The five PM programs that Metro will initiate after SafeTrack are:

- Systemwide Tamping and Surfacing (T&S)
- Interlocking Component Maintenance
- Mechanical Joint Maintenance
- Traction Power Cable Meggering
- Earth to Ground Stray Current Testing

Metro's current work window Sunday through Thursday provides five hours of non-passenger service that allows for a 2-3 hour productive work window, once the last train is off the line and the work areas have been safely established. Prior to SafeTrack, there was a four hour non-passenger train window on Friday and Saturday nights with the system closing at 3am and opening at 7am. This yielded a one-hour work window

which was unproductive for preventive maintenance and therefore only used for emergency work.

I am aware of concerns that Metro may not use the time it has efficiently. An FTA report described a May incident where mid-day work was delayed as a “tremendous waste of resources”, resulting from radio communications issues with the Rail Operations Control Center (ROCC). In fact, 115 minutes of the 120 minute delay was the result of ROCC employees following proper Roadway Worker Protection procedures. Poor radio communications were not the cause of the two hour delay of the work crew entering the work zone. The cause of the delay was due to the inability of the ROCC to verify all necessary safety equipment in the work zone. Once the proper work zone was established and was independently verified by the ROCC, employees were authorized to enter the work zone. While this did delay work, it is important to make clear that the delay was the result of a commitment to safety. While Metro will continue to look for ways to streamline our processes to better improve work efficiency, safety will always come first.

### **Funding Challenges**

Looking ahead, WMATA must bridge a significant projected resource gap in order to achieve a balanced operating budget for FY2018. Daily ridership on bus and rail declined significantly in FY2016 in response to poor service quality and reliability as well as external factors. The impacts of SafeTrack are likely to keep ridership at this lower level throughout FY2017 and into FY2018.

Further compounding the situation, labor costs have continued to rise for many years due to contractually-required wage increases and growing headcount to support service expansion as well as maintenance on the aging system. As ridership has stagnated or declined, fare increases and jurisdictional subsidy growth have made up the gap between expenses and revenues.

To address this funding gap, my proposed FY2018 Operating Budget recommends a number of actions. On the management side, the budget proposes to reduce WMATA’s headcount to the level of service it provides. The ridership levels and constrained jurisdictional funding cannot support our current headcount. Earlier this year 500 positions were eliminated and the fiscal impact of this reduction will be fully realized in FY2018. The FY2018 proposed budget includes a reduction of an additional 500 positions – 200 primarily in various management, administrative, and back-office operations throughout the Authority, and 300 in operations personnel as a result of right-sizing bus and rail services. These 1,000 positions represent an eight percent reduction in total Metro headcount.

Given current ridership levels, Metro can reduce its rail service and still remain within Board-approved standards for crowding. Therefore, the FY2018 Operating Budget proposes to increase scheduled peak period headways on the Orange, Silver, Green, Yellow, and Red Lines from six to eight minutes, with trains operating every two

to four minutes at stations in the system's core. Scheduled headways on the Blue Line would be reduced from 12 to eight minutes, and the Rush Plus Yellow Line service would be eliminated. Off-peak headways would be increased midday, early evening weekday, and Saturday from 12 to 15 minutes in recognition of both the reduced ridership of recent years and also the reduced service levels that must be operated during the ongoing maintenance efforts that will be occurring. Altogether, the proposed rail service changes are expected to result in a net subsidy savings of approximately \$12 million, resulting from about \$20 million in reduced expenses - primarily operator labor, propulsion, and maintenance - offset by an estimated \$8 million in lower fare revenue from reduced ridership. The FY2018 proposed budget includes the elimination or transfer of 14 Metrobus lines among those in the system with the highest subsidy per passenger.

The proposed FY2018 Operating Budget also makes fare adjustments that will balance the need to generate adequate revenue against the ridership impact. The proposed fare increase is expected to generate approximately \$21 million in net additional revenue, after accounting for a loss of approximately 10 million total trips as a result of the increase. While the Board chose to postpone fare increases for one year in FY2017, this proposal is consistent with the overall Board policy regarding fare increases, which recommends biennial fare increases linked to inflation. Metro's last broad-based fare increase occurred in July 2014 as part of the FY2015 budget.

Between the bus and rail service reductions, ridership would decline by an estimated five million trips annually. Combined with the impacts of the proposed fare increases, Metro ridership would decline by a total of approximately 15 million trips.

Of particular importance to this Committee, Metro will decrease reliance on federal funds for preventive maintenance. As you know, in the FY17 budget, Metro utilized an FTA-approved, and common industry practice, of utilizing federal grant funds for certain eligible "preventive maintenance" (PM) expenses that would otherwise be funded through the operating budget. WMATA Board practice had generally limited FTA grants for PM to approximately \$31 million annually prior to FY2017. For FY2017, the Board increased the amount of eligible PM expenses that could be funded with FTA grants from \$31 million to \$95 million. For FY2018, the budget proposal reduces the use of these funds to \$60 million. I intend for FY18 to be the last year that the use of FTA grant funds for preventive maintenance would exceed historical practice and, by FY2019, only the traditional \$31 million of grant funding would be used for this purpose. We recognize the concern that the House Appropriations Committee has expressed with regard to this issue. We take those concerns very seriously. As General Manager and CEO, I am charged with proposing a responsible budget. As we have discussed, my FY18 budget proposes service cuts, fare increases, and a variety of cost cutting measures. Reducing the use of FTA grant funds for preventive maintenance in the operating budget over two years allows Metro to implement the balanced budget I am proposing as opposed to taking more drastic actions that could negatively impact Metro, our customers, and the region. I want to assure this Committee that I am committed to achieving the traditional \$31 million of grant funding in the FY19 operating budget.

## **Back To Good**

Yesterday, I announced my plan for getting Metro back to good. My goals, which I will hold all Metro employees accountable for achieving, are to continue to improve safety, reduce delays and offloads from track defects and rail car failures, and balance the budget.

On service, customers will be pleased when we cross the SafeTrack finish line and move to preventive maintenance, as I mentioned earlier. Metro's proposed preventive maintenance plan is the first of its kind for the agency and provides industry grade standards of reliability. Preventive maintenance is the "anti-SafeTrack" that prevents emergency conditions and will begin to cut infrastructure related delays to trains in half.

Next, we will accelerate the retirement of the oldest and most unreliable cars, commission a total of 50 new trains, implement targeted repair campaigns of defective components on the legacy fleet, and rebalance the rail yards to minimize missed terminal dispatches. By the end of 2017, all 8-car trains will be 7000 series consists and all 1000 series cars will be retired. Metro will also complete component fixes on legacy fleet – 2000, 3000, 5000 and 6000 series cars, including HVAC, propulsion systems, and pneumatic brakes to reduce train offloads during the customers' journey.

The Railcar Get Well Plan will reduce passenger offloads and delays by at least a quarter by the end of 2017.

In addition, we will make our stations cleaner and brighter, and improve station management, to better serve customers. For example, instead of every four years, all 91 stations will be power washed, scrubbed, and polished annually – improving the surfaces commuters touch and walk on. Each station will be assigned a "champion" among senior managers to work with station personnel to ensure internal coordination of timely repairs to equipment and systems. Additional station improvements, along with adoption of peer review recommendations to improve rail operations, will enhance the customer experience.

On safety, Metro will continue our progress to address FTA and NTSB recommendations. We will also adopt new software onboard trains to prevent an inattentive operator from passing a red signal by requiring the operator to perform multiple sequential actions before they can move their train as well as implementing a cap on the maximum speed that trains can attain to prevent over speeding.

In addition, stations that have the highest frequency of red signal overruns are having their signals upgraded to LED bulbs to improve their visibility to operators and prevent overruns, which will be completed in early 2017. We will begin using enhanced technology for roadway worker protections in hazardous areas. As I will discuss in more detail in a moment, Metro will complete work on schedule for installing the public radio

system and activating cellular service in the tunnels as work is completed, with certain Blue/Orange and Red line segments coming online in 2017.

And on financial management, as I discussed, my budget proposes numerous steps to reduce expenses. These include eliminating 1,000 positions and outsourcing functions. We will deliver 90 percent of the capital program and institute the Abilities-Ride pilot program for Maryland paratransit customers to demonstrate whether utilization of transportation service companies could provide cost savings as well as greater flexibility to the customer.

### **Setting the Record Straight**

I would like to address concerns I have heard from the public and Members of this Committee regarding discussions at a recent Board Finance Committee related to reduced operating hours at individual stations. This idea was not a formal proposal, but one of several hypothetical scenarios intended to stimulate discussion about the seriousness of the significant shortfall the system is facing. For this reason, the map presented on reducing operating hours at stations was labeled “illustrative.” My operating budget proposal, which I presented to the WMATA Board on November 3, does not include the station closings.

With regard to the late-night service, we have initiated a public participation program to obtain feedback on four different proposed scenarios. The program included an online survey, “pop-up” events at several rail stations, a 9½-hour public hearing and opportunities to submit written comments. The results of the public feedback have been provided to Metro’s Board of Directors as part of the final decision process. In addition to the public outreach, Metro is required to conduct a service equity analysis.

Yesterday, the Board was asked to consider and approve the public hearing dockets for service changes and fares. The dockets will describe the fare and service proposals in greater detail, and they serve to set out the maximum possible changes that the Board may ultimately approve as part of the budget. However, the Board may choose to make lesser or even no changes. Metro will also initiate public participation plan (PPP) activities as part of the budget process, including surveys, station pop-ups, outreach to community based organizations (CBOs), and other activities.

In a previous hearing, we discussed Metro’s capital program and our expenditure of federal Passenger Rail Investment and Improvement Act of 2008 (PRIIA) funds. I am pleased to report that Metro’s capital investment in the first quarter of FY2017 was \$291 million, significantly above the planned investment level of \$142 million. Expenditures above plan were driven particularly by accelerated delivery of new 7000 series railcars and by the SafeTrack program that kicked off in June 2016, which was not included in the budget originally adopted in April. Based on current trends, total FY2017 capital investment is expected to reach \$1.1 to \$1.2 billion, well above the adopted budget of \$950 million. As anticipated during the adoption of the budget, the WMATA Board adopted an amendment to the capital budget to provide \$90 million of additional budget

to the Railcar Acquisition program for new 7000 series railcars and \$60 million of additional budget to the Fixed Rail program for SafeTrack. This additional budget authority will be funded through the use of Metro's existing lines of credit or other short-term debt instruments, with no additional jurisdictional contribution required in FY2017. The short-term debt will be paid back in FY2018 through jurisdictional contributions and/or a long-term debt issuance. All of the federal PRIIA funds are obligated and our spend rate has dramatically increased as we take delivery of new railcars.

With regard to the incident that occurred on the Red Line on September 13, 2016, the preliminary investigation indicates that an outbound Red Line train to Shady Grove Station entered the pocket track at Farragut North due to scheduled single track operations supporting track work between the Farragut North and DuPont Circle Stations. A switch malfunction prevented that train, #101, from continuing its scheduled route causing train #101 to stop. There were radio communication issues between the Rail Operations Control Center (ROCC) and the Train Operator of train #101. In order to expedite resolving this incident, a track maintenance supervisor provided the operator with a portable handheld radio. Staff in the area noted two separate passenger self-evacuations. Staff escorted the passengers to safety without injury prior to releasing train #101 to return to the platform. After WMATA personnel concluded that the roadway was clear, at approximately 10:36 p.m., a responding Rail Transportation Supervisor operated train #101 back to Farragut North Station and prepared the train to depart outbound to Shady Grove station. The duration of this incident was approximately 32 minutes.

### **Safety Update**

I would like to take this opportunity to address some other safety items that may be of interest to this Committee.

Since the FTA began safety oversight of Metro, inspectors and Metro staff have developed a professional and positive working relationship. You may have heard reports of FTA inspectors being denied access to the system. I want to be clear that WMATA and FTA have established a protocol for FTA access to WMATA property. That protocol is now in place and we have heard no further concerns.

On July 29<sup>th</sup>, a train derailed in the interlocking outside of the East Falls Church Station. Following the incident, we realigned the SafeTrack schedule to include repairs to interlockings. Reports at the time indicated that the FTA had previously directed Metro to perform work in the interlocking where the derailment occurred. I want to clarify that FTA's recommendation was not specific about problems with the interlocking. Metro was told only that we needed to do work, primarily in the tunnel segment, between East Falls Church and Ballston stations, which was part of a scheduled surge. While we are already making repairs to interlockings and conducting improved inspections based on preliminary investigation results, Metro is conducting a thorough investigation, including by Metro Transit Police, of this incident and we will provide you with the results.

During the course of this year, there have been reports regarding the number of speed restrictions on the Metrorail system. The speed restrictions have frustrated our customers and raised concerns about the safety of the system. As I have made clear, safety trumps service at Metro and I will not run service unless it is safe. Speed restrictions on the system are a direct result of the improved inspections and safety culture. Where, after identifying an issue, Metro may have previously initiated a temporary repair, today we will place a speed restriction or take a track out of service until a permanent repair can be made. This is a reflection of our renewed commitment to safety. We have improved training for our inspectors, increased inspections of the system, and hired outside experts to both improve our processes and supplement our internal inspectors. As a result, we are identifying issues and we are taking those issues seriously. In some instances, speed restrictions are the result of seasonal issues such as leaves on the tracks that can become a hazard.

I want to assure this Committee and the public that Metro takes quality control very seriously. I have heard concerns that the speed restriction outside of Reagan National Airport is the result of poor work completed during a surge. That is not accurate. In fact, the speed restriction is in place as a preliminary response to a close call incident where two FTA inspectors had to escape a moving train on October 20th. Preliminary investigation results indicate that an S-curve and a large tree in the area where the incident occurred create a blind spot. We worked with the National Park Service to trim the tree and have identified a Roadway Worker Protection technology that we hope will alert workers to oncoming trains. As we test this technology, we are taking immediate steps to improve Roadway Worker safety. We have reviewed and documented all known "hot spots" in the system, such as the area outside Reagan National Airport, and scope of work is being developed for a more systematic examination of the entire system. A "hot spot" is a location on the right-of-way where additional roadway worker protection is required because of various conditions. A safety alert was issued to reinforce procedures while traversing right-of-way "Hot Spots" and a permanent order was issued to train operators clarifying train speed while roadway workers are present. Finally, a safety stand down was implemented to clearly communicate the process and procedures in place to ensure roadway worker safety and provides a forum for employees to ask questions.

Another area of interest may be the traction power system. Reports of arcing and smoke incidents are a concern for our customers as well as for me. That is why I have not hesitated to take dramatic action such as shutting down the system when one of these incidents poses a safety concern. Our Chief Safety Officer, with the support of the FTA, has conducted a thorough review of the traction power system using a holistic approach in lieu of the previous requirement of individual incident reports after each incident. A draft report, identifying specific findings and recommendations was presented to the FTA. While we are already making necessary improvements, such as repairing and replacing all orange boots on mainline track system wide, we will work closely with the FTA to implement the final recommendations.

I have requested three American Public Transit Association (APTA) Peer Reviews. The first, held in April of 2016, focused on track inspections and track standards. The second peer review, completed in July 2016, analyzed WMATA's Traction Power System and is informing our holistic review. The third, completed in October 2016, is on the ROCC. All three external reviews were conducted by experts from other transit properties to examine our practices and procedures and in context with industry-best practices. In addition to these external reviews, I have directed my staff to bring in external experts to fully analyze our most problematic track component (direct fixation fastener) and conduct a system-wide inspection to completely overhaul our track defect database – which will drive future maintenance planning efforts. I am also standing up a full-time accident investigation team within WMATA's Department of SAFE, whose function will be performing deeper investigations into incidents and accidents.

Finally, on safety, we are working side-by-side with the FTA on safety inspections and have taken immediate action to address all items that are safety critical. Among my first actions when I became General Manager/CEO was to hire a new Chief Safety Officer, who started in May, and create an independent Quality and Internal Compliance Operations (QICO) department. Our Chief Safety Officer has led the safety improvements I have discussed and is working hard, along with the FTA, to continue to improve Metrorail safety. The new QICO department is independent of Rail and reports to my office. It conducts independent quality control inspections while work is being conducted and quality assurance inspections after work has been completed. We are continuing to refine our processes but I am pleased with the work that this department has done and the results they have been achieving. Together, Metro's Departments of SAFE and QICO are responding to FTA and NTSB recommendations and ensuring that Metrorail safety continues to improve.

### **Cellular and Radio Service**

As you know, PRIIA requires WMATA to ensure cellular phone service throughout the system, including the underground tunnels. WMATA and the wireless carriers worked together on the first phase of the project and currently all 91 Metrorail stations (including 47 underground stations) provide customers with access to cell phone service.

Under the agreement between WMATA and the wireless carriers, the project is being advanced using Metro-managed workers thereby yielding cost and efficiency benefits. Metro is installing the necessary cable for the cellular and radio systems at the same time, while prioritizing other safety-critical maintenance work for tracks, switches, signals and structures.

Following extensive engineering and project tests in the Glenmont tunnel section of the Red Line, WMATA has rolled out a complete project schedule. Recognizing that the carriers have ownership and installation responsibilities to initiate cell phone service, service will be turned over to the wireless carriers as each tunnel segment is completed,

meaning that riders will notice phased improvements in coverage as the project moves forward. The installation of cellular cable in all underground tunnel segments will be completed by the end of 2020.

## **Security**

Finally, I take security very seriously. We have been working very closely with the FBI's Joint Terrorism Task Force and the Transportation Security Administration to share intelligence. The Metro Transit Police Department has increased police presence throughout the system with plain clothes and uniformed officers, and our 27 K-9 units have been deployed throughout the system. I would like to thank the police departments of our local jurisdictions that have stepped up their patrols in stations located in their jurisdictions.

Like the majority of mass transit systems in the United States, Metrorail is an "open" system, which creates unique challenges and requires security strategies that are complex and multi-layered. The federal government provides significant funding for these efforts – Metro has invested nearly \$172 million of federal Homeland Security funding into the system since September 11, 2001. These resources have helped us install thousands of new cameras, and supported our anti-terrorism team, bomb squad and K-9 units.

I will close by thanking Congress for providing PRIIA and federal formula funding, which WMATA has invested in a multi-year capital program that is making long-deferred improvements to the system. These safety and infrastructure improvements range from upgrades to our tracks, structures and signal systems, to the design of state-of-the-art railcars that exceed the latest safety standards. Already, these cars are providing improved safety and comfort to commuters and visitors to the National Capital Region.

Thank you and I look forward to answering your questions.

## **General Manager and Chief Executive Officer Paul J. Wiedefeld**

With more than 30 years of public and private sector transportation management experience, Paul J. Wiedefeld, was appointed General Manager and Chief Executive Officer by the Washington Metropolitan Area Transit Authority (Metro) Board of Directors effective November 30, 2015.

Prior to joining Metro, Mr. Wiedefeld twice served as the Executive Director and Chief Executive Officer of the Maryland Aviation Administration, managing Baltimore/Washington International Thurgood Marshall Airport (BWI). Under Mr. Wiedefeld's leadership from 2009 to 2015, BWI grew to provide service to 22 million passengers annually, becoming the leading airport in the Washington D.C. region through route expansion and significant airport development.

During his tenure from 2002-2005, Mr. Wiedefeld managed the largest expansion in the Airport's history that included the design and construction of a 26-gate terminal for Southwest airlines, an 8,400-space parking garage and a modern consolidated rental car facility.

From 2007-2009, Mr. Wiedefeld served as Administrator of the Maryland Transit Administration (MTA), managing day-to-day operations of the nation's 13th largest transit system, including commuter rail, subway, light rail, buses and paratransit. During his tenure, the agency expanded the number of locomotives and railcars for the Maryland commuter rail system and negotiated contracts with labor unions.

Mr. Wiedefeld received a Bachelor of Science degree in Political Science from Towson University and a Master's degree in City and Regional Planning from Rutgers University.



**NATIONAL TRANSPORTATION SAFETY BOARD**

**An Independent Federal agency**

**Testimony of the Honorable Christopher A. Hart  
Chairman  
National Transportation Safety Board  
Before the  
Subcommittee on Transportation and Public Assets and  
Subcommittee on Government Operations  
Committee on Oversight and Government Reform  
United States House of Representatives  
on  
A Safe Track?: Oversight of WMATA's Safety and Maintenance  
Washington, DC  
December 2, 2016**

Good morning Chairman Mica, Chairman Meadows, Ranking Member Duckworth, Ranking Member Connolly, and the Members of the Subcommittees. Thank you for inviting the National Transportation Safety Board (NTSB) to testify before you today.

The NTSB is an independent federal agency charged by Congress with investigating every civil aviation accident and significant incidents in the United States and significant accidents and incidents in other modes of transportation—rail, highway, marine and pipeline. The NTSB determines the probable cause of accidents and other transportation events and issues safety recommendations aimed at preventing future accidents. In addition, the NTSB carries out special studies concerning transportation safety, and coordinates the resources of the federal government and other organizations assisting victims and their family members who are impacted by major transportation disasters.

Since its inception, the NTSB has investigated more than 400 railroad accidents, including rail transit accidents. On call 24 hours a day, 365 days a year, NTSB investigators travel throughout the country and internationally to investigate significant accidents and develop factual records and safety recommendations with one aim—to help ensure that such accidents never happen again.

## **History of Oversight of WMATA**

In order to discuss the current safety oversight challenges regarding the Washington Metropolitan Area Transit Authority (WMATA), it is important to understand the statutory history that has led to the current state. The Intermodal Surface Transportation Efficiency Act of 1991 established the State Safety Oversight (SSO) program; this program went into effect in 1997. Under this program, states are responsible for the safety of the rail fixed guideway systems within their borders. Each state is required to establish a state safety oversight agency (SSOA) that sets requirements for rail transit safety and monitors the performance of rail transit agencies in accordance with those requirements.

Since the establishment of the SSO program, the NTSB has investigated serious accidents involving WMATA and has identified inadequate oversight and regulation as a persistent problem. In general, the NTSB investigations of WMATA have found that, although safety program plans were in place, they were not effectively implemented or overseen. State oversight challenges regarding WMATA are particularly acute because WMATA is the only transit property in the United States that involves three jurisdictions—Maryland, Virginia, and the District of Columbia. Most transit properties involve one jurisdiction and a few involve two, but WMATA is the only one with three. After the NTSB investigated the 2009 accident near the Fort Totten Station, discussed later in this testimony, we called for increased regulatory oversight of rail transit properties and recommended that the U.S. Department of Transportation (DOT) seek legislative authority to provide safety oversight.

On July 17, 2012, President Obama signed into law the Moving Ahead for Progress in the 21st Century Act (MAP-21).<sup>1</sup> MAP-21 made a number of fundamental changes to the statutes that authorize the federal transit programs. Under the law, the Federal Transit Administration (FTA)

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<sup>1</sup> Pub. L. 112-141.

must certify oversight agencies, and, once certified, an SSOA can receive federal grant funds. To gain certification, an SSOA must show the FTA that it is financially independent of the rail transit system it oversees, has adequate authority to oversee those systems, and has adequate resources to hire appropriate staff.

To comply with the MAP-21 SSO program requirement, the FTA published the SSO Program final rule, which took effect on April 15, 2016.<sup>2</sup> Among other things, the SSO rule gave the FTA the authority to review and approve each state's SSO program and take enforcement actions against those states with nonexistent or noncompliant safety oversight programs. In addition, it required each state to establish an SSO program and ensure that the SSOA is financially and legally independent from any rail transit agency it oversees, and meets a number of requirements intended to assure that its oversight is effective. Each state with federally funded rail transit properties must have an SSO program approved by the FTA administrator by April 15, 2019.

In 2013, the FTA notified the Tri-State Oversight Committee (TOC), the SSOA for WMATA, that it did not meet MAP-21 certification requirements. The FTA's concerns with the TOC focused on the TOC's lack of effectiveness as a legal organizational model for overseeing WMATA. In response, Governor McAuliffe (Virginia), then Governor O'Malley (Maryland), and then Mayor Gray (District of Columbia) wrote to the Secretary of Transportation to authorize what they described as an actionable step to establish an independent SSOA that would conform to MAP-21. In doing so, they proposed the Metro Safety Commission (MSC), an independent organization that would assume the responsibilities of the TOC. The letter offered no detail, but it referenced a White Paper, *Optimizing State Safety Oversight of the WMATA Metrorail System*, prepared by the three jurisdictions. The White Paper described the three jurisdictions' collective ideal SSO program for the oversight of WMATA and proposed actions necessary to achieve that ideal. However, it included no details about establishing legal authority in a way that overcomes the multijurisdictional problems faced by the current TOC. Finally, the authors admitted other challenges, such as resources; legislation at the local, state, and federal levels; and budgetary constraints of all three jurisdictions that may further limit progress in achieving an effective safety oversight program.

Maryland, Virginia, and the District of Columbia entered into a memorandum of understanding on February 25, 2016, which restated their commitment to establishing the MSC. However, legislation in all three jurisdictions is still needed to do so and Maryland and Virginia have formally notified DOT that they will not meet the February 9, 2017 deadline to establish a new SSOA, risking the withholding of \$15 million in federal funds through the Urbanized Area Formula Funding ("Section 5307") program from public transportation systems in the three jurisdictions.<sup>3</sup> The NTSB remains concerned that Maryland, Virginia, and the District of Columbia will continue to encounter legislative impediments that will further delay the establishment of the MSC or other SSOA that would be able to effectively oversee the safety of WMATA.

Based on 45 years of inadequate safety oversight of the WMATA Metrorail system, the NTSB has concluded that neither the regulatory changes the FTA can make as a result of MAP-21 nor the proposed creation of the MSC would likely resolve the deficiencies identified in safety

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<sup>2</sup> 81 FR 14230 (March 16, 2016); codified at 49 C.F.R. Part 674.

<sup>3</sup> Martine Powers "Md. and Va. won't meet deadline for new Metro safety body. What happens now?" *The Washington Post*, November 26, 2016.

oversight of WMATA in a timely manner. Therefore, as a result of the investigation into the WMATA Metrorail smoke and arcing accident near L'Enfant Plaza Station on January 12, 2015, the NTSB issued urgent safety recommendations to the Secretary of Transportation on September 30, 2015. The NTSB makes urgent recommendations to address circumstances that create an imminent danger to the public. In this case, the NTSB recommended that the DOT seek an amendment to 45 U.S.C. § 1104(3) to list WMATA as a commuter authority, thus authorizing the Federal Railroad Administration (FRA) to exercise regulatory oversight of WMATA. The NTSB also recommended that the DOT direct the FRA administrator to develop and implement a plan to transition the oversight of WMATA to the FRA within six months.<sup>4</sup> The NTSB recommended the change in oversight because the FRA has robust regulatory and enforcement powers, allowing it to more quickly and more effectively address hazards and improve the overall safety of WMATA's rail operations.

## **Investigations of WMATA Metrorail Accidents and Incidents**

### East Falls Church Derailment

Since 1982, the NTSB has investigated 14 accidents involving WMATA. Most recently, the NTSB has been investigating the July 29, 2016 derailment of Metrorail train 602 near Falls Church, Virginia. Metrorail train 602 derailed while traversing a crossover (that enables a train to transition from one track to a parallel track) in the East Falls Church interlocking, operating on the Silver Line. About 63 passengers were on board the six-car passenger train, all of whom were evacuated out of the lead car, assisted by the Metro Transit Police Department. Three passengers reported injuries, including one who was hospitalized.

The NTSB dispatched two investigators to the scene of the derailment to assess the accident and to determine if a broader investigation was necessary. Our investigators noted that the track gage measurement (distance between the two rails) near the point of derailment was nearly 2 inches wider than acceptable by WMATA standards. The design track gage is 56-1/4 to 56-1/2 inches. In track of similar construction to the accident area, WMATA requires that track gage in excess of 57-1/4 inches be removed from service, and train movement on the track is prohibited until the defect is corrected. Near the point of derailment, however, track gage measured 59 inches, yet the track remained in service.

The presence of deteriorated wooden crossties near the point of derailment caused the track gage to exceed the maximum WMATA standards. In the derailment area, the rail was fastened through tie plates to standard wooden crossties. NTSB investigators identified many defective crossties in the area of the derailment. WMATA track standards require there be no more than 120 inches between nondefective fasteners for tracks of similar construction; however, in this accident area, investigators noted over 400 inches of track with no effective rail fasteners because of deteriorated crossties.

WMATA has standards that address defective crossties; however, it was not apparent that the track structure in the accident area was consistently maintained to those standards. The FTA does not prescribe minimum track safety standards. The FTA's lack of minimum track standards is

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<sup>4</sup> [R-15-031 and -032](#).

but one example of the need for the Secretary of Transportation to take immediate action to implement the NTSB's September 2015 urgent safety recommendation to transition the federal oversight of WMATA from the FTA to the FRA. Unlike the FTA, FRA's regulations contain safety standards.

The *WMATA Track Maintenance and Inspection Manual* requires "no fewer than seven nondefective rail fasteners within 40 feet," and requires that track with more than 120 inches between nondefective ties be removed from service. In a distance of 40 feet of track structure near the point of derailment, there were 18 crossties. Of those, 16 were not in compliance with WMATA standards or FRA track safety standards, resulting in about 400 inches of unsupported rail. The deteriorated crosstie condition allowed for a total track gage measurement of 59 inches. When track gage is too wide, the proper wheel-rail interface cannot be maintained and derailment is likely, as was the case in East Falls Church.

This week, the NTSB issued an accident brief setting forth the findings of our limited investigation of the East Falls Church derailment.<sup>5</sup> We determined that the probable cause of the accident was a wide track gage condition resulting from the sustained use of deteriorating wooden crossties due to WMATA's ineffective inspection and maintenance practices and inadequate safety oversight.

On August 6, 2015, a similar accident occurred on the WMATA system. A nonrevenue employee train, WMATA Metrorail train 412, derailed on approach to the Smithsonian interlocking. Three of the six cars derailed; none of the derailed cars had reached the switch points of the interlocking. WMATA's investigation into the derailment revealed that on July 9, 2015, a WMATA track geometry vehicle inspected track measurements through the area where the train derailed. This inspection revealed a gage measurement of 58-1/16 inches at the area where train 412 derailed less than 1 month later. This gage exceeded WMATA's maximum gage standard. WMATA guidelines required immediately removing the track from service, based on the wide gage measurement, until repairs are completed. WMATA, however, continued to run revenue service trains over the track, with no reduction in speed or other mitigation action, for the 27 days between the discovery of the gage defect and the derailment on August 6, 2015.

The *WMATA Track Maintenance and Inspection Manual* also provides instruction for track maintenance and inspection procedures on the WMATA system. According to the manual, all main tracks and secondary tracks will be examined on foot by qualified track personnel twice each week with an interval of a least 1 calendar day between inspections. NTSB investigators reviewed transcripts of interviews with WMATA track inspectors and track supervisors and learned that WMATA only inspected some crossover switches, such as the one involved in the East Falls Church derailment, on a monthly basis, instead of twice-weekly as required. FRA regulations not only contain the same twice-weekly track inspection requirement, FRA inspectors routinely review track inspection records for compliance with FRA regulations and railroad rules and procedures. The FTA has no such regulations in place.

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<sup>5</sup> National Transportation Safety Board, *Derailment of WMATA Metrorail Train in Interlocking, Falls Church, Virginia*, RAB-16-06 (Washington, DC: National Transportation Safety Board, 2016).

NTSB investigators reviewed WMATA's monthly switch inspection reports from January 2015 to July 2016. Investigators noted that all of the inspection reports for the crossover involved in the East Falls Church derailment documented a defective condition of "15 deteriorating ties...." NTSB investigators learned that the defective track conditions that led to the East Falls Church derailment had been previously identified by WMATA inspectors, yet were not properly remediated. Based on this documentation, NTSB investigators requested additional documents showing all reported defective track conditions that were awaiting approval. WMATA provided a report that showed a total of 16,828 open track defects, some going back to October 2008, that were still waiting to be repaired.

The recent East Falls church derailment caused by substandard track is another example of why immediate action is required to address safety issues at WMATA. FRA track safety standards are part of a more established inspection, oversight, and enforcement program, and the NTSB remains convinced that with the history of accidents at WMATA, the FRA's mature regulatory program is vital to increasing passenger safety.

#### L'Enfant Plaza Station Electrical Arcing and Smoke Accident

On January 12, 2015, WMATA train 302 stopped after encountering heavy smoke while traveling southbound in a tunnel between the L'Enfant Plaza Station and the Potomac River Bridge in Washington, DC. About 380 passengers were aboard the six-car passenger train at the time of the accident. Some passengers self-evacuated from the train, while emergency responders assisted others. The smoke originated from an electrical arcing event near the third rail about 1,900 feet south of the L'Enfant Plaza Station. Smoke filled the L'Enfant Plaza Station, which was evacuated. The train was stopped at 3:15 p.m. and all passengers were evacuated to safety by 4:27 p.m. As a result of the accident, one passenger died and 91 people were injured—including passengers, emergency responders, and WMATA employees.

To gather additional factual information in support of the NTSB's L'Enfant Plaza Station accident investigation, we convened a two-day investigative hearing in June 2015. The hearing examined four broad issue areas: the state of WMATA's infrastructure, emergency response efforts, WMATA's organizational culture, and the FTA's and the TOC's efforts to address public transportation safety. Witnesses from various parties involved provided important first-hand insight on what happened and addressed larger questions raised by the accident. Additionally, the NTSB brought in representatives from Montgomery County Fire and Rescue Services, Metro-North Railroad, and the United Kingdom's Office of Rail Regulation to share their relevant experience in preventing and responding to accidents.

On March 14, 2016, WMATA informed the NTSB of an arcing event early that morning at the McPherson Square Station in downtown Washington, D.C. The NTSB was invited to view some of the damaged electrical components. NTSB staff observed surveillance video of the McPherson Square Station platform, photographs of the incident location, and components that had been removed from the incident location. We observed that the damage to the third rail electrical components was similar to that of the L'Enfant Plaza Station accident. One cable connector assembly and portions of the cables, as well as a portion of the third rail cover board, had been vaporized. Surveillance video showing smoke filling the McPherson Square Station was also similar

to what occurred on the L'Enfant Plaza Station platform. However, it is not clear what caused the arcing event at the McPherson Square Station.

On May 3, 2016, the NTSB adopted the final accident report regarding the arcing and smoke accident near L'Enfant Plaza and determined that the probable cause of the accident was a prolonged short circuit that resulted from WMATA's ineffective inspection and maintenance practices.<sup>6</sup> The ineffective practices persisted as the result of (1) the failure of WMATA senior management to proactively assess and mitigate foreseeable safety risks, and (2) the inadequate safety oversight by the TOC and the FTA. Contributing to the accident were WMATA's failure to follow established procedures and the District of Columbia Fire and Emergency Medical Services Department's lack of preparedness to respond to a mass casualty event on the WMATA underground system.

The report cited safety vulnerabilities throughout the WMATA system, including infrastructure maintenance, tunnel ventilation, railcar ventilation, responses to reports of smoke, and management deficiencies. Our findings also illustrated WMATA's continued inability to apply the information gained since 1982 through accidents previously investigated by the NTSB, eight of which involved fatalities. WMATA failed to learn safety lessons from the NTSB's prior studies and accident investigation reports.

As a result of its investigation of the L'Enfant Plaza accident, the NTSB issued 31 new safety recommendations, including 24 to WMATA, 2 to the FTA, 1 to the mayor of the District of Columbia, 3 to the District of Columbia Office of Unified Communications, and 1 to the District of Columbia Fire and Emergency Medical Services Department. These safety recommendations supplemented the urgent safety recommendations we issued in the immediate aftermath of the accident concerning FRA oversight.

The 24 new safety recommendations to WMATA encompassed a broad range of measures including: review and revise WMATA tunnel inspection, maintenance, and repair procedures to mitigate water intrusion into tunnels; improve the capacity of tunnel ventilation fans to conform to the requirements of National Fire Protection Association Standard 130; develop location-specific emergency ventilation configurations based on engineering studies; develop and implement procedures for actions to be taken by Rail Operations Control Center personnel when smoke detectors alarm; develop procedures for regular testing of all smoke detectors; and others.<sup>7</sup> WMATA provided an initial response on August 18, 2016 indicating its progress toward implementing many of the recommendations.

In addition, the NTSB recommended that the FTA issue regulatory standards for tunnel infrastructure inspection, maintenance, and repair, incorporating applicable industry consensus standards into those standards; and that the FTA issue regulatory safety standards for emergency

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<sup>6</sup> National Transportation Safety Board [Washington Metropolitan Area Transit Authority L'Enfant Plaza Station Electrical Arcing and Smoke Accident, Washington, D.C. on January 12, 2015](#), RAR-16-01 (Washington, DC: National Transportation Safety Board, 2016).

<sup>7</sup> [R-16-008 through -031](#), May 23, 2016.

egress from tunnels.<sup>8</sup> On May 17, 2016, the FTA published a Federal Register notice soliciting public comment on the FTA’s compendium of transit safety standards and protocols.<sup>9</sup> The FTA stated its intent to publish findings, including recommendations to revise applicable existing standards, and to issue new standards as needed. The NTSB has classified the new safety recommendations to FTA as “Open—Acceptable Response” pending our review of the FTA’s revisions to existing standards and the creation of new standards where needed.

#### Other Significant WMATA Metrorail Accident Investigations

Of the 14 accidents involving WMATA that the NTSB has investigated since 1982, more than half occurred between 2006-2014. In addition, since 1970, the NTSB has issued 101 safety recommendations to WMATA.

The deadliest accident occurred on June 22, 2009, on aboveground track on the Metrorail Red Line near the Fort Totten Station in Washington, D.C. The lead car of train 112 struck the rear car of train 214. This resulted in a loss of occupant survival space in the lead car of train 112 of about 63 feet (about 84 percent of its total length). Nine people aboard train 112, including the train operator, were killed. Emergency response agencies reported transporting 52 people to local hospitals.<sup>10</sup> The NTSB determined that the ineffective safety oversight by the WMATA Board of Directors, the TOC’s ineffective oversight and lack of safety oversight authority, and the FTA’s lack of statutory authority to provide federal safety oversight were contributing factors in the accident. As a result of this investigation, the NTSB issued 16 safety recommendations to WMATA.<sup>11</sup>

Other significant WMATA Metrorail accidents investigated by the NTSB include:

- **November 29, 2009:** Rear-end collision of two Metrorail trains at the West Falls Church, VA, rail yard, resulting in injuries to three Metrorail employees and an estimated \$9 million in damage to train equipment.<sup>12</sup>
- **January 7, 2007:** Derailment of a Metrorail train near the Mt. Vernon Square Station, Washington, DC, resulting in 23 passengers being transported to hospitals and an estimated \$3.8 million in property damages.<sup>13</sup>

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<sup>8</sup> [R-16-001 and -002](#), May 23, 2016.

<sup>9</sup> 81 FR 30605 (May 17, 2016).

<sup>10</sup> National Transportation Safety Board [Collision of Two Washington Metropolitan Area Transit Authority Metrorail Trains Near Fort Totten Station, Washington, D.C. on June 22, 2009](#), RAR-10-02 (Washington, DC: National Transportation Safety Board, 2010).

<sup>11</sup> [R-10-007 through -022](#), August 10, 2007.

<sup>12</sup> National Transportation Safety Board, [Washington Metropolitan Area Transit Authority Rear-end Collision](#), RAB-12/04 (Washington, DC: National Transportation Safety Board, 2012).

<sup>13</sup> National Transportation Safety Board, [Derailment of Washington Metropolitan Area Transit Authority Train near the Mt. Vernon Square Station, Washington, D.C. on January 7, 2007](#), RAR-07-03 (Washington, DC: National Transportation Board, 2007).

- **November 3, 2004:** Collision of two Metrorail trains at the Woodley Park Zoo-Adams Morgan Station, Washington, DC, resulting in about 20 persons being transported to hospitals for treatment and an estimated \$3.5 million in property damage.<sup>14</sup>
- **January 13, 1982:** Derailment of a Metrorail train at Smithsonian Interlocking, Washington, DC, resulting in three fatalities, 25 injured people, and an estimated \$1.3 million in property damage.<sup>15</sup>

While some progress has been made on the safety recommendations stemming from the Fort Totten and earlier investigations, the L'Enfant Plaza Station accident, the electrical arcing incidents at the Court House and McPherson Square Stations, and the recent East Falls Church derailment show that more needs to be done.

## **NTSB Urgent Recommendations to WMATA and FTA After the L'Enfant Plaza Accident**

Soon after initiating the investigation into the L'Enfant Plaza Station accident, the NTSB identified concerns with the ventilation systems that required immediate action. On February 11, 2015, we made three urgent safety recommendations to WMATA.<sup>16</sup> These urgent recommendations called on WMATA to: (1) assess the subway tunnel ventilation system, verifying that it is in good repair; (2) develop and implement detailed written ventilation procedures for its operation control center; and (3) base these procedures on the most effective strategy for fan direction and activation to limit passengers' exposure to smoke. In addition, we urged WMATA to incorporate these procedures into its ongoing training and exercise programs.

In response to the urgent safety recommendations, WMATA has informed the NTSB that it has completed the following actions: conducted a field assessment of the Metrorail system's Vane Axial ventilation fans and verified that they have no deficiencies, are operable, and are in a state of good repair; procured the services of a technical services firm to update WMATA's emergency standard operating procedures for fire and life safety processes in tunnels and underground stations and to develop a formal report for NTSB review; and is drafting an employee training program to implement the updated procedures. Therefore, we have reclassified the urgent safety recommendation concerning the subway tunnel ventilation system as "Closed—Acceptable Action" and the remaining urgent recommendations as "Open—Acceptable Response."

In a companion urgent safety recommendation issued on February 11, 2015, we also urged the FTA to audit all rail transit properties with underground rail operations to assess their ventilation

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<sup>14</sup> National Transportation Safety Board, [\*Collision Between Two Washington Metropolitan Area Transit Authority Trains at the Woodley Park-Zoo/Adams Morgan Station in Washington, D.C. on November 3, 2004\*](#), RAR- 06-01 (Washington, DC: National Transportation Safety Board, 2006).

<sup>15</sup> National Transportation Safety Board, [\*Derailment of Washington Metropolitan Area Transit Authority Train No. 410 at Smithsonian Interlocking on January 13, 1982\*](#), RAR-82-6 (Washington, DC: National Transportation Safety Board, 1982).

<sup>16</sup> [R-15-008 through -010](#), February 11, 2015.

systems.<sup>17</sup> In response to this recommendation, the FTA directed all SSOAs with jurisdiction over the 25 rail transit agencies with subway tunnels to conduct audits to assess and inspect tunnel ventilation systems and related issues. We have also classified this urgent safety recommendation as “Open—Acceptable Response.”

The NTSB issued an additional safety recommendation to WMATA on June 8, 2015, addressing problems with the electrical connections in the Metrorail system.<sup>18</sup> The NTSB asked WMATA to inspect the cable connector assemblies and ensure that they are in accordance with WMATA’s specifications, which includes the sealing sleeves. WMATA has reported that as of June 30, 2016, 71% of the 8,347 total power cable connector assemblies have been retrofitted. The NTSB is aware that this is a major undertaking, and that the work is being conducted during midday, night, and weekend hours. We will continue to closely monitor WMATA’s progress in implementing this recommendation, which has been reclassified as “Open—Acceptable Response.”

## **Status of NTSB Urgent Recommendations to DOT Concerning WMATA Oversight**

The Secretary of Transportation responded to the NTSB’s urgent safety recommendations regarding the change in WMATA oversight from FTA to FRA on October 9, 2015, acknowledging that the TOC lacked sufficient resources, technical capacity, and enforcement authority to provide the level of oversight needed to ensure safety at WMATA. However, the Secretary disagreed with the NTSB recommendation to transfer safety oversight of the WMATA rail system to the FRA, citing the enhanced authority of the SSOAs and the authority in MAP-21 for the FTA to assume the safety oversight in the absence of an effective SSOA. In a letter to the NTSB dated May 3, 2016, the Secretary further described FTA’s oversight of WMATA.

The NTSB remains concerned that, while the Secretary of Transportation tasked the FTA with assuming the authority of the SSOA, the FTA has very limited ability to oversee WMATA effectively. Having only acquired safety oversight authority and responsibility in 2012, from MAP-21, the FTA has no prior experience in direct safety oversight or as an SSOA, has limited staff to carry out the function, has no regulations against which to measure compliance, and does not have the authority to levy civil or individual penalties in response to safety deficiencies. The NTSB understands that legislation enabling the creation of a fully functional SSOA for WMATA may be a lengthy process, and the FTA’s temporary SSOA authority will likely exist longer than anticipated. Thus, the urgent safety recommendations remain classified “Open—Unacceptable Response.”

The NTSB is not alone in its concern about the ability of the FTA to conduct oversight activities effectively. On November 2, 2016, the DOT Office of the Inspector General issued its audit report of the FTA’s safety oversight program and assumption of WMATA rail safety oversight.<sup>19</sup> The report concluded:

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<sup>17</sup> [R-15-007](#).

<sup>18</sup> [R-15-025](#).

<sup>19</sup> DOT Office of Inspector General, [Audit Report: Improvements in FTA’s Safety Oversight Policies and Procedures Could Strengthen Program Implementation and Address Persistent Challenges](#) (Washington, DC: DOT Office of Inspector General, 2016).

While rail transit is relatively safe, catastrophic incidents, such as the January 2015 WMATA incident, raise significant concerns about the effectiveness of rail transit safety oversight. FTA has taken steps to begin developing policies and procedures to assume and relinquish direct safety oversight, but lacks firm milestones for completion. Moreover, slow progress in implementing a data-driven, risk-based oversight system; limited safety performance criteria; and unenforceable safety standards further hinder the Agency's ability to provide proactive safety oversight. Unless FTA addresses these challenges, it may be unable to meet the Federal transit safety goals and objectives that are central to its enhanced safety oversight authority.

Although the Fixing America's Surface Transportation Act,<sup>20</sup> enacted in 2015, granted additional authority to the FTA, including the authority to exercise direct safety oversight of rail transit agencies when necessary to correct safety deficiencies and withhold not more than 25 percent of the Section 5307 program funds from recipients for noncompliance with safety regulations, we do not believe that these additional authorities address the concerns that we highlighted in our urgent safety recommendations. There are many uncertainties associated with the proposed the FTA approach to WMATA oversight. DOT implementation of our urgent safety recommendations that WMATA be ruled a commuter authority and that the FRA assume oversight responsibility for WMATA rail transit would eliminate these uncertainties much sooner because the FRA is an experienced regulatory safety oversight agency. The NTSB believes that the FRA is best positioned to oversee WMATA Metrorail, but the DOT, nevertheless, continues to move forward with FTA oversight. The NTSB will monitor the efficacy of this decision and continue to champion consistently strong oversight for all rail transit agencies.

## Conclusion

The NTSB's annual Most Wanted List highlights safety-critical actions that the DOT, other federal entities, states, and organizations need to take to help prevent accidents and save lives. On November 14, 2016, the NTSB announced its Most Wanted List of transportation safety improvements for 2017-2018. The NTSB's investigation of accidents involving WMATA continue to illustrate that rail transit accidents cause injuries and deaths, and yet oversight of rail transit is unreliable in some cases, increasing safety risks. An effective, independent oversight system must be created to ensure that the highest possible level of safety is afforded to the American public. Therefore, the NTSB has carried-over "Improve Rail Transit Safety Oversight" from the 2016 to the 2017-2018 Most Wanted List.<sup>21</sup>

Thank you for the opportunity to testify before you today. I look forward to responding to your questions.

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<sup>20</sup> Pub. L. 114-94.

<sup>21</sup> National Transportation Safety Board, *2017-2018 Most Wanted List: [Improve Rail Transit Safety Oversight](#)*.

## Biography

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### Honorable Christopher A. Hart

Christopher A. Hart was appointed Chairman of the National Transportation Safety Board on March 17, 2015. He became a Member of the Board in August 2009, and was subsequently designated Vice Chairman by President Barack Obama. Hart was nominated for a second term as Board Member in August 2013, and his nomination for a third term as Vice Chairman was confirmed by the Senate in October 2013. He served as Acting Chairman from April 26, 2014, until he was appointed as Chairman.

From 1973 until 1990, Chairman Hart held a series of legal positions, mostly in the private sector. He joined the Board for the first time in 1990 and served until 1993. From 1993 until 1995, he was Deputy Administrator of the National Highway Traffic Safety Administration, then went on to serve as Federal Aviation Administration (FAA) Assistant Administrator for System Safety and FAA Deputy Director for Air Traffic Safety Oversight before returning to the Board in 2009.

Chairman Hart holds a law degree from Harvard University and master's and bachelor's degrees in aerospace engineering from Princeton University. He is a member of the District of Columbia Bar and the Lawyer-Pilots Bar Association, and is a licensed pilot with commercial, multi engine, and instrument ratings.

Chairman Hart's family has a tradition of accomplishment in transportation. In 1926, his great uncle, James Herman Banning, was the first African-American to receive a pilot's license issued by the US government.

Hart's 2-year appointment as Chairman will end March 17, 2017. His 5-year term as Member will end December 31, 2017.

**STATEMENT OF MATTHEW WELBES  
EXECUTIVE DIRECTOR  
FEDERAL TRANSIT ADMINISTRATION  
U.S. DEPARTMENT OF TRANSPORTATION**

**BEFORE THE U.S. HOUSE OF REPRESENTATIVES  
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,  
SUBCOMMITTEES ON TRANSPORTATION & PUBLIC ASSETS AND  
GOVERNMENT OPERATIONS**

**Oversight of the Washington Metropolitan Area Transit Authority**

**December 2, 2016**

Chairmen Mica and Meadows, Ranking Members Duckworth and Connolly, and Members of the Committee, thank you for inviting me to appear before you today to provide an update on Safe Track and the state of safety on the Washington Metropolitan Area Transit Authority (WMATA) Metrorail system from the perspective of the Federal Transit Administration (FTA).

Safety remains the top priority of FTA and the United States Department of Transportation (DOT). In MAP-21 and the FAST Act, Congress charged the FTA with making the safest mode of transportation even safer by creating a national safety framework, strengthening state safety oversight, and requiring agency-level safety plans to identify and mitigate risks. Last year with the FAST Act, Congress also provided FTA with additional tools to enforce transit safety, including withholding Federal funding, halting unsafe operations, and assuming safety oversight when a state safety oversight agency is deemed ineffective. FTA has made great progress in setting the foundation of the public transportation safety program through rulemakings, directives, advisories, and technical assistance, using the authorities granted us by the Congress.

Secretary Foxx directed FTA to assume temporary direct safety oversight of WMATA Metrorail from the Tri-State Oversight Committee (TOC) in October 2015 to fulfill an immediate short-term need in light of serious incidents and safety lapses at WMATA, and the shortcomings of the TOC's oversight and enforcement authority. In accordance with new authority granted to FTA by the FAST Act, FTA is requiring the establishment of an effective permanent State Safety Oversight program for WMATA Metrorail by the three host jurisdictions, Maryland, Virginia, and the District of Columbia, no later than February 9, 2017.

Importantly, in this oversight role, FTA does not direct operational decisions at WMATA. FTA can and does direct Federal funding to safety critical items, and it has the authority to halt an unsafe practice or operation. While FTA has seen improvements in many areas at WMATA since we last met in April 2016, significant work remains to bring the Metrorail system into a state of good repair, develop and improve WMATA's safety culture, and improve WMATA's financial outlook.

**FTA's Financial and Program Oversight of WMATA**

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

Years of deferred repairs and underinvestment in maintenance have led to a deterioration of public transit systems like WMATA. With a system that is not in a state of good repair, transit service becomes unreliable due to frequent breakdowns and emergency repairs, on top of the need to catch up on extensive deferred maintenance. Moreover, for many years, WMATA's prioritization of revenue service operations limited the amount of track access that maintenance crews have had to work on the Metrorail system.

Recently, FTA has seen significant steps in WMATA leadership and staff prioritizing safety over revenue service. Though WMATA has made important strides in improving safety, it remains a long and difficult task ahead to instill the strong safety culture required for true and lasting change.

In Fiscal Year (FY) 2016, WMATA received more than \$450 million from FTA. Most of the annual Federal support provided comes from transit formula funds and grant awards. In addition, as authorized in 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 three jurisdictions served by WMATA. This investment is intended to support the capital and preventive maintenance needs of WMATA, and in recent years Congress has required – and FTA has ensured – that the dollars are spent solely on improving infrastructure, safety, and reliability. The financial aid from PRIIA will end after FY 2018 unless renewed by Congress.

In February 2016, WMATA submitted its Capital Investment Plan to FTA for its 2017 fiscal year that began July 1, 2016. FTA conducted a thorough review of proposed and pending WMATA grant applications to ensure that the \$450 million in Federal funding is being directed to projects that support corrective actions arising from FTA's 2015 Safety Management Inspection of WMATA, safety recommendations to WMATA from the National Transportation Safety Board (NTSB), and other key infrastructure improvements. Further, FTA redirected \$20 million in Federal funding WMATA had intended to spend on non-safety related projects to projects that are supporting the SafeTrack program. On December 1, 2016 WMATA introduced its Capital Investment Plan to the Board for the 2018 fiscal year, and FTA will work with WMATA to evaluate it and make adjustments, if necessary.

Following a Financial Management Oversight review in 2014 that found significant flaws, FTA placed WMATA on restricted drawdown status, where it remains today. Under restricted drawdown status, invoices and related financial documentation must be verified by FTA before Federal funds are reimbursed to WMATA. This process adds about thirty days to the typical grant reimbursement processing time, but it fulfills FTA's fiduciary responsibility to ensure that Federal funds are spent only on eligible activities. FTA has reimbursed \$1.23 billion out of the \$1.29 billion that WMATA has submitted for reimbursement since it has been in restricted drawdown status.

WMATA introduced a new financial management software system in July 2016 and during this past summer FTA and WMATA completed an initial test of the agency's financial management systems, as part of a schedule established in 2015. Additional testing and validation of transactions from recent months has been required and that review is underway now. While WMATA has made progress improving its financial management, results from the recent testing will inform whether the drawdown restrictions can be altered.

### FTA's Safety Oversight of WMATA

Over the last decade, WMATA has experienced several serious accidents on the Metrorail system, resulting in injury and death of WMATA passengers and workers. In two of the more serious accidents (Fort Totten and L'Enfant Plaza) nine passengers and one worker were killed, and more than 140 persons were injured. WMATA also has lost eight workers in six collisions with trains and equipment on the rail transit right-of-way. Most recently, WMATA has experienced a spate of safety incidents affecting passenger and worker safety, as well as the quality and reliability of its transit service.

FTA is exercising its authority and using enforcement tools provided by Congress to ensure WMATA is addressing systemic safety deficiencies and building a strong safety culture. Since 2015, FTA has published multiple reports identifying systemic safety problems at WMATA. Each report has produced a Safety Directive with a set of required corrective actions. Following the issuance of a directive, WMATA develops a Corrective Action Plan (CAP), which is then reviewed and approved by FTA's WMATA Safety Oversight Office. The CAP includes an estimated completion date from WMATA for each action item.

In June 2015, FTA released its Safety Management Inspection (SMI) Report, 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. The SMI set forth 54 findings of safety deficiencies and 91 required corrective actions. Subsequently, FTA issued three additional reports of special investigations into particular aspects of the Metrorail system: the *Track Integrity* Investigation Report, with 12 required actions; the *Stop Signal Overrun* Report, with 11 required actions; and the *Vehicle Securement* Report, with six required actions. FTA plans to issue a report and Safety Directive addressing WMATA's *Traction Power* system later this month. In total, FTA has issued seven directives to WMATA (15-1, 16-1, 16-2, 16-3, 16-4, 16-5, & 16-6) that entail 251 required actions.

A few examples of FTA-identified safety findings where WMATA has made improvements include the Rail Operations Control Center (ROCC) where, for the first time since 2012, all rail traffic controllers have completed their annual certifications, and the Roadway Worker Protection (RWP) program, where nearly 2,000 employees with expired RWP Safety Training cards have been retrained and certified. In addition, FTA has worked with WMATA to ensure SafeTrack plans prioritize track locations where urgent repairs are most required to reduce the risk of smoke and fire events. As a result, WMATA has corrected numerous instances of degraded fire and life safety equipment in tunnels that affect emergency passenger evacuations.

In addition to verifying and tracking work pursuant to the CAPs, FTA and WMATA have put in

place a system of notification within two hours after an incident takes place, so that FTA inspectors and investigators may launch to the scene if warranted. FTA and WMATA leadership have weekly meetings to discuss progress, impediments, and any new developments related to safety.

WMATA has conducted multiple safety stand-downs, one required by FTA and others voluntarily. Under a safety stand-down, employees take time to refocus on prioritizing safety at all times, and reviewing and recommitting to established safety procedures and protocols. WMATA must continue to prioritize safety over service, and commit to providing customers and workers with the assurance that their safety is the first priority.

### Inspections & Safe Track

FTA is conducting on-the-ground inspections of WMATA, both announced and un-announced, leading accident investigations as warranted, and working to close out open accident investigation reports, many of them taken over from the TOC, as well as those begun since FTA assumed safety oversight responsibilities.

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

FTA has conducted more than 300 inspections since October 2015, identifying more than 1,350 defects and directing more than 900 remedial actions. These are separate actions that WMATA must take, apart from those required by the Corrective Action Plan following a Safety Directive. To date, WMATA has addressed two-thirds of these remedial actions.

Specific to WMATA's SafeTrack work, FTA has conducted more than 50 inspections [number provided is through Surge 7, but FTA inspections continue with each surge]. Prior to each new surge, FTA track inspectors conduct a pre-surge inspection to assess the surge-area conditions, then inspect and verify ongoing surge work, and finally, conduct a post-surge inspection in order to evaluate the work completed.

Initiated by WMATA, SafeTrack is an important mitigation project that includes safety-critical repairs to segments of track that are in most need of overhaul. While these track repairs are necessary and long overdue, it is just one piece of the much larger WMATA safety puzzle. Once repairs are made they must be sustained with a long-term preventative maintenance plan as well as a strong safety culture or else WMATA will fall right back to an unacceptable condition. FTA identified track access for inspection and maintenance units in its June 2015 SMI Report as a critical issue for WMATA to address. WMATA must do more to impart and insist on a robust safety culture at all levels of the organization to prioritize safety in all decision making.

Finally, FTA has made a significant effort to keep the public and Congress updated on all of its

WMATA oversight activities by maintaining a regularly updated dashboard on the FTA website of Safety Directives, Reports, Correspondence and other relevant information.

### 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 (SSOA) 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 State Safety Oversight (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 Federal public transportation law [49 U.S.C. § 5329(e)(8)(C)], failure to do so could result in FTA withholding Urbanized Area [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 other communities in Maryland and Virginia outside of the D.C. Metro Region.

More than six years ago, in April 2010, the three jurisdictions recognized the need to replace the TOC, saying it did not effectively respond to critical Metrorail safety oversight issues. Maryland, Virginia, and the District of Columbia entered into a Memorandum of Understanding (MOU) on February 25, 2016, which re-stated the commitment to establishing the Metrorail Safety Commission (MSC), but the jurisdictions need to agree and take action on legislation to create the MSC. FTA will continue to provide any necessary technical assistance. The D.C. City Council is expected to act on the legislation in December 2016. The Maryland and Virginia legislatures are expected to act on the legislation in their respective legislative sessions next year.

FTA will continue to provide effective safety oversight until the new SSOA is capable of performing its oversight responsibilities. 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. FTA is committed to working with WMATA and the new agency to ensure a safer, more reliable ride for WMATA customers throughout the National Capital Region.

### 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. WMATA has made improvements and is working to implement needed safety changes. FTA continues to closely monitor that WMATA's Federal funds are tied to safety priorities and improving a state of good repair for WMATA facilities and equipment.

The WMATA Metrorail system delivers tremendous benefits to the Washington, D.C. region and is vital to the area's residents, workers, and visitors. All users of Metrorail deserve a reliable and safe system and FTA will continue to provide effective safety oversight and help WMATA build

on the improvements made in the last year. As part of FTA's assurance that WMATA makes necessary safety improvements, WMATA must confirm it is properly managing and resourcing its corrective safety actions and building internal safety capacity and culture. WMATA General Manager Paul Wiedefeld has proven a cooperative partner in these efforts.

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 questions.

###

# Matthew Welbes

## Executive Director



Matthew Welbes serves as Executive Director of the Federal Transit Administration (FTA) in Washington, D.C., directing the daily operations of the agency in support of public transportation services in communities across the United States. He supports the FTA Administrator in providing leadership and establishing direction on public transportation policies, budgets, and strategic priorities. He guides the management of the agency's annual budget of over \$12 billion and the 550 people who work with FTA's stakeholders.

Prior to joining the Office of the Administrator as a Senior Advisor in 2001, Mr. Welbes worked in FTA's Office of Budget & Policy. His work there included development of agency policies, legislation, budgets to Congress, investment studies, and performance measures for public transportation benchmarking. During 2007-8 he served as FTA's Acting Associate Administrator for Research, Technology & Innovation and in 2001-2 as the Acting Director of FTA's Washington, D.C. Metropolitan Office. He began his federal career as a Presidential Management Fellow in 1992, working in the Office of Management and Budget, Office of the Secretary of Transportation, and the FTA.

He has a M.P.A. from the University of Minnesota's Humphrey Institute of Public Affairs. In 2000 he received a German Marshall Fund fellowship to study transportation, environmental, and land use policies in Europe. He has been recognized with the Presidential Rank Award of Meritorious Service for long-term accomplishments and commitment to excellence in public service and he has received the Secretary of Transportation's gold medal for Outstanding Service.

He lives with his wife, Lora, and their daughter in Arlington, Virginia.

**Testimony of Jack Evans  
Chairman, Board of Directors  
Washington Metropolitan Area Transit Authority**

**U.S. House of Representatives Committee on Oversight and Government Reform  
Subcommittee on Transportation and Public Assets and Subcommittee on  
Government Operations  
December 2, 2016**

Good morning, Chairman Mica, Chairman Meadows, Ranking Member Duckworth, Ranking Member Connolly, and member of the subcommittees. My name is Jack Evans, and I currently serve as Chairman of the Board of Directors of the Washington Metropolitan Area Transit Authority (WMATA). I serve as the Principal Director from Washington, DC on the WMATA Board in conjunction with my role as a member of the Council of the District of Columbia, representing the Central Business District, 11 surrounding neighborhoods, and 12 Metrorail stops. Since 1999, I have chaired the Council's Committee on Finance and Revenue.

I appreciate the opportunity to testify before the subcommittees today and provide updates from my previous testimony on April 13, 2016. Since that time, WMATA has taken significant steps to improve the safety, reliability, and fiscal management of the system.

At the top of the organization, the majority of the Board of Directors has turned over in the past 2 years, including three new federal representatives this past Spring. General Manager Paul Wiedefeld has now been at the helm of the agency for a full year. In that time, he's been able to put together a new senior leadership team and implement major initiatives to fix the rail system, restructure and right-size the agency, better maintain the railcar fleet, and rebuild trust and accountability throughout the system.

General Manager Wiedefeld will provide more detailed information about the progress of these initiatives, but to summarize the actions briefly: WMATA has made various personnel and operational changes to build a strong foundation to improve the agency. So far this year, WMATA has hired a new Chief Operating Officer and new Chief Safety Officer, both of whom have decades of experience with the New York Metropolitan Transit Authority, a new General Counsel, and a new Chief of Internal Business Operations to improve procurement and other administrative functions. Wiedefeld restructured his management team in March to break down some of the longstanding divisions and work silos that existed at the agency. He fired 20 senior managers in the Spring and has already eliminated 500 position throughout the agency to reduce costs.

The agency has been undergoing an aggressive SafeTrack project, a comprehensive maintenance effort that will accelerate three years' worth of work into approximately one year. The plan significantly expands maintenance time on weekends, weeknights and midday hours and includes 15 "Safety Surges"--long-duration track outages for major projects in key parts of the system. The plan addresses Federal Transit Administration (FTA) and National Transportation Safety Board (NTSB) safety recommendations and deferred maintenance backlogs to restore track infrastructure to good health. However, it is important to keep in mind that SafeTrack will not solve all of the agency's problems. It will make the rail system safer and marginally more reliable, but it is not the end of our infrastructure needs. It is, as best, the end of the beginning.

WMATA's financial condition can be summed up in 3 numbers: 290, 18, and 2.8. First, 290 is a projected \$290 million operating shortfall in the Fiscal Year 2018 budget, which runs from July 1, 2017 to June 30, 2018. This budget gap includes \$103 million from ridership/revenue loss, \$87 million from expense growth related to SafeTrack, Wiedefeld's Customer Accountability initiative, and other operational costs, and \$100 million that the agency transferred last year from our capital budget to cover operating costs.

Next, 18 is the more than \$18 billion in capital needs the agency faces over the next 10 years. WMATA is undertaking a detailed Capital Needs Inventory study and reported back to the Board this week that the cost of simply deferred maintenance and state of good repair (SGR) needs is approximately \$17.4 billion over the next decade. This is essentially the bare bones capital investment needed to get the system to a baseline level of operation. Additionally, WMATA should execute approximately \$800 million of preventative maintenance measures over the next 10 years in order to improve resiliency in the system and prevent greater costs in the future. These capital needs do not include an estimated \$7 billion in new needs related to compliance with various NTSB and FTA directives; Fire Life Safety requirements; local and state environmental regulations; system safety improvements; or Security improvements and crime reduction.

This number includes the general work required to repair and maintain the infrastructure of the system. It also includes purchasing new railcars (which account for more than 50% of the reliability issues on the system) and buses, upgrading the insufficient electrical system, encasing the Red Line from Cleveland Park to Medical Center to mitigate water infiltration, and fixing the thousands of other moving pieces and open problems throughout the system.

Finally, 2.8 is WMATA's \$2.8 billion unfunded pension and other post-employment benefit (OPEB) liability. While WMATA has taken steps over the past 20 years to marginally slow the growth of these funds, the liabilities continue to grow as we are unable to properly fund them. The WMATA Board has created a special Pension

Committee to review the five current pension plans that the agency funds and is working with a private accounting firm to consider options for reducing our unfunded liability. While the operating and capital budgets will continue to get headlines, if we fail to address these pensions obligations, WMATA will find itself in the same place the District did in 1995. The jurisdictions need to support actions to fund these liabilities as WMATA works to limit their future growth.

The financial situation at WMATA is dire. To fill the short-term operating budget gap, the jurisdictions need to increase their subsidy contributions collectively by nearly \$250 million next year. The alternatives - raising fares by 35%, closing low-ridership stations during off-peak hours, and continuing to use capital grants for operating expenses - put WMATA at serious risk of losing more riders (and thereby revenue).

On the capital side, without an increase from our current \$1-1.1 billion annual capital funding resources to approximately \$1.8 billion per year, we'll continue to have the system we have today, only further stressed by the hundreds of thousands of new residents the region expects to add in the coming decades. It's important to note here that in addition to more capital funding, WMATA needs to improve its capacity to utilize the funds it does receive. In this past fiscal year, as a result of Wiedefeld's management actions over the 8 months he was on the job and the 2 months of SafeTrack during the fiscal year, WMATA was able to spend \$1.013 billion on its capital program last year. The highest such total ever.

I appreciate the opportunity to discuss with you the continued financial problems at WMATA and steps we have taken to put the agency on better footing moving forward. It's easy to think of Metro as an autonomous entity separate from the rest of the region, but it's important to remember that in actuality, this is a \$40 billion asset owned by Virginia, Maryland, DC, and the federal government. We can choose to do nothing, and we'll continue to have the system we have today. Or we can come together as a region to fix and improve the largest driver of economic activity in all of our jurisdictions. In the end, additional contributions, combined with Wiedefeld's restructuring of the agency, may save more future tax revenues for the region and federal government than it costs us to fix.



**Jack Evans**, Chair, was appointed to the Metro Board of Directors as the Principal Director, representing the District of Columbia, in January 2015. Mr. Evans has served on the Council of the District of Columbia (Ward 2) since 1991. At the Council, Jack serves as Chair of the Council's Committee on Finance and Revenue, which oversees the District's finances and tax policy. He also serves on the Committee on Transportation and the Environment and the Committee on the Judiciary. Evans previously served as the Council's representative to the Board of Directors of WMATA from 1992-1999 (Board Chair, 1994 and 1997) and the Metropolitan Washington Council of Governments/COG (Board Chair, 1995). He received an economics degree with honors (cum laude) from the Wharton School at the University of Pennsylvania in 1975, and a law degree from the University of Pittsburgh School of Law in 1978.

# AMALGAMATED TRANSIT UNION LOCAL 689

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Testimony of Raymond Jackson  
Second Vice President  
Amalgamated Transit Union (ATU) Local 689  
Before

The U.S. House of Representatives Government Oversight Committee's Subcommittee on  
Transportation and Public Assets  
December 2, 2016

Mr. Chairman, Ranking and Committee Members,

My name is Raymond Jackson and I am the Second Vice President of ATU Local 689. Today I am here to give employee insight into the SafeTrack program and the challenges that are facing the Washington Metropolitan Area Transit Authority (WMATA) in the near and distant future.

For years, Local 689 has been advocating for major changes in the way WMATA does business. We have repeatedly asked WMATA to provide front line employees with the tools and materials necessary to do their jobs, and we've raised concerns about getting preventative maintenance done ahead of time, instead of kicking the can down the road year after year. The reality is that if work had been done over the past twenty years, WMATA would not be disrupting the lives of people in this region in the way that they have these past six months. Unfortunately, SafeTrack is what riders of this region are left with after decades of mismanagement and neglect.

### *How Did We Get Here?*

When SafeTrack was first introduced, Local 689 was hopeful that it would mark a departure from the culture and old practices at WMATA. As things have progressed, we are now concerned that WMATA's failure to consult with our union and with experienced employees on the ground will be its fatal flaw. Had our input been solicited, we would have worked to find a better way of getting the work done without disrupting the lives of so many riders in this region. We all have members of our families that ride Metro daily, and most of us ride the system as well, so we know the frustrations with SafeTrack firsthand. In addition to the inconvenience of service disruptions, WMATA's continued reliance on contractors to do work that can be done by Local 689 members has become a way for private companies with no investment in the system to make boatloads of money at the expense of the public and our riders. Many times our members end up having to re-do work done by these outside companies. It is frustrating for front line employees and shows a lack of respect for the expertise that our members have.

Local 689 deals with constant complaints about lack of employee morale. In other transit systems in the country and around the world, there is a culture of labor-management cooperation

where employees are treated with dignity on the job, their opinions valued, and they have a sense of ownership in the work they do. That is not the WMATA way. Ask long-time employees that have devoted a significant amount of their lives deep underground, fixing the aging tracks of this system in the middle of the night, whether their expertise is frequently solicited by WMATA's management team. Unfortunately, by and large, this invaluable source of institutional knowledge is overlooked or even ignored by management.

### *Fork in the Road*

WMATA's proposed budget going into Fiscal Year 2018 is a major concern for riders and employees alike. The drastic service cuts and fare increases proposed by the agency in response to the impact of SafeTrack are sure to be the death of the system.

Make no mistake, ridership is down, way down. But the best way to restore ridership is not complicated: people need safe, affordable, and reliable transit service. The only way to bring back riders is to restore public confidence in Metro. This will no doubt be a slow process. We have to prove ourselves all over again to a public that has understandably had more than enough of Metro's enormous problems. Asking our rail customers to deal with even longer waits through longer headways and stranding bus riders by eliminating 14 bus lines is not going to restore customer satisfaction. Neither will increasing the minimum rail fare to \$2 during off-peak times and \$2.25 during peak times. Increasing Metrobus fares by a quarter, to \$2 per trip will put a huge hurt on some of our most transit-dependent riders who have no other way to get around.

Laying off 1,000 employees – once again shedding sorely-needed institutional knowledge and putting a huge burden on a shell of a workforce – is not only ill-advised but also dangerous.

Yet, this is WMATA's plan to dig out of the hole.

We know from countless studies across the country that raising fares drastically reduced ridership, having the opposite effect on desired revenue. Moreover, asking people to pay more for less service is a recipe for disaster, especially when you are asking already frustrated WMATA customers.

Like most transit systems that cut routes, WMATA is looking toward those with low ridership -- early morning, late night, and weekend service. People who work non-traditional hours, typically minorities who have no other means of transportation, will be disproportionately affected. The single mom who now gets her kids up at 4:30 a.m. to catch two buses in time to get her children to daycare and then herself to work cannot be expected to stand in the freezing cold with two kids for an additional hour waiting for that transfer bus to arrive. The person who cleans offices downtown in the early hours of the morning should not have to sleep on the cold hard floor in the lobby of the building after finishing his work until the buses start running the next day. Yet, that is exactly what WMATA is proposing here.

**Through its slash and burn budget proposal, Metro is using the self-inflicted SafeTrack crisis to justify massive cuts in service that would never be accepted in this region under**

**normal circumstances.** Metro riders need to call them out, letting them know that we need more, not less service.

As bad as circumstances are today, if we go down this road, it is likely that WMATA will never be the same again. People will forever abandon the system, and it will crumble, causing an embarrassing mobility crisis in our nation's Capital.

The answer to Metro's current budget hole is a short-term cash infusion to get the system back on its feet. If Congress had not come to the aid of the American Auto industry during the financial crisis seven years ago with an \$80 billion bailout, those companies would have evaporated. Now, America's transit system needs a (much smaller) boost. We call on Congress, Maryland, D.C., and Virginia to come through with the revenues necessary to see Metro through this crisis and urge the agency to work hand and hand with us in an effort to develop a long term dedicated funding stream from the Federal Government and the jurisdictions that will help improve the system and ensure that we never face these dire circumstances ever again. Transit riders and our members deserve nothing less.

Committee on Oversight and Government Reform  
Witness Disclosure Requirement – “Truth in Testimony”  
Required by House Rule XI, Clause 2(g)(5)

Name: Raymond Jackson

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1. Please list any federal grants or contracts (including subgrants or subcontracts) you have received since October 1, 2012. Include the source and amount of each grant or contract.

NONE

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2. Please list any entity you are testifying on behalf of and briefly describe your relationship with these entities.

Amalgamated Transit Union Local 689. I am the second Vice President.

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3. Please list any federal grants or contracts (including subgrants or subcontracts) received since October 1, 2012, by the entity(ies) you listed above. Include the source and amount of each grant or contract.

None

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I certify that the above information is true and correct.

Signature:

Raymond Jackson

Date:

11/30/16

## **Raymond Jackson Biography**

Raymond Jackson is the newly elected Second Vice President of Amalgamated Transit Union (ATU) Local 689. He is a 30 year employee of the Washington Metropolitan Area Transit Authority and comes out of the Railcar Maintenance Department (CMNT). He has held various elected positions in the leadership of ATU Local 689 since 1998 when he was appointed Shop Steward for railcar maintenance. He consequently was elected to the position again in 2001 and in 2006 he was elected to the Executive Board of Local 689 as a representative from Maintenance and Construction. In 2014, he was appointed to the position of Assistant Business Agent of Maintenance and Construction and was elected to the position of Second Vice President in 2015. He currently resides in Lanham, MD and has been deeply involved in mentoring children of his community through boxing since 1998.