

UNITED STATES DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Special Directive No. 18-2

Special Directive Under 49 U.S.C. § 5329 and 49 C.F.R. Part 670 Required Actions in Response to Tri-State Oversight Committee Triennial Review Safety Findings at the Washington Metropolitan Area Transit Authority

AGENCY: Federal Transit Administration (FTA), U.S. Department of Transportation (DOT).

SUMMARY: The FTA issues Special Directive 18-2 to require the Washington Metropolitan Area Transit Authority (WMATA) to address safety findings identified by the Tri-State Oversight Committee (TOC) as part of its implementation of the scheduled triennial review process required by 49 C.F.R. Part 659 (Part 659). This Special Directive mandates that WMATA complete 24 required actions within the Metrorail system to address safety findings in six distinct categories of review: (4) fitness for duty programs; (2) hazard management, accident investigation, and data collection/analysis; (2) system modification, safety certification, configuration management, and procurement; (12) roadway worker protection; (3) elevator and escalator maintenance, and (1) maintenance facility safety and equipment inspections.

FOR FURTHER INFORMATION, CONTACT: For program matters, Jamie Pfister, Director, FTA WMATA Safety Oversight Office, telephone (202) 366-5424 or Jamie.Pfister@dot.gov; for legal matters, Candace Key, Attorney Advisor, FTA, telephone (202) 366-9178 or Candace.Key@dot.gov.

SUPPLEMENTARY INFORMATION:

Background

Safety Directive 16-1, issued on October 26, 2015, establishes FTA's role in providing temporary direct oversight of the safety of the WMATA Metrorail system until the District of Columbia, State of Maryland, and Commonwealth of Virginia establish a State Safety Oversight (SSO) program that complies with requirements at 49 C.F.R. Part 674 (Part 674) and can be certified by the FTA. Safety Directive 16-1 also outlines how FTA will exercise leadership over the three jurisdictions' existing SSO agency, TOC, as part of FTA's oversight program, and confirms TOC's role in continuing to perform triennial reviews required under Part 659.

Part 659 requires TOC to conduct an on-site safety review of each element of the WMATA System Safety Program Plan (SSPP) and Security and Emergency Preparedness Plan (SEPP) at least once every three years. To address the results of the TOC's triennial review process, FTA assessed 227 findings identified by TOC since October 2015 against open FTA-approved Corrective Action Plans (CAP), FTA inspection reports and open remedial actions, and against the requirements of 49 C.F.R. § 659.29. FTA conducted an analysis of the 227 TOC findings and has disposed of them as follows:

- 132 (58%) findings are already addressed through existing CAPs developed by WMATA in response to FTA findings to WMATA.
- 30 (13%) findings will be addressed through FTA's Inspections Process.
- 28 (12%) findings relate to safety issues that do not require action by WMATA, but will be transmitted as recommendations to WMATA.
- 7 (3%) findings have no direct nexus to safety and require no further action.
- 8 (4%) findings that require no further action due to WMATA's completed activities.
- 22¹ (10%) findings require action by WMATA.

Accordingly, FTA is issuing this Special Directive to require WMATA to implement corrective actions to address 21 findings that require 24 specific actions by WMATA. It is important to note that the language of the TOC's original findings set forth below does not reflect the fact that WMATA has already begun to address many of those findings. WMATA's progress in addressing these findings prior to the issuance of this Special Directive will enable it to more effectively develop corrective action plans to satisfy the Directive's required actions.

DIRECTIVE AND REQUIRED ACTIONS:

In accordance with 49 U.S.C. § 5329 and 49 C.F.R. § 670.27, FTA directs WMATA to manage the safety findings identified through the triennial review process as follows:

Develop corrective action plans to address safety findings and required actions for:

- Category 1: Fitness for Duty Programs
- Category 2: Hazard Management, Accident Investigation, Data Collection/Analysis
- Category 3: System Modification, Safety Certification, Configuration Management, and Procurement
- Category 4: Roadway Worker Protection
- Category 5: Elevator and Escalator Maintenance
- Category 6: Maintenance Facility Safety and Equipment Inspections

Within 60 days of the issuance of this Special Directive, WMATA must submit corrective action plans to FTA that identify the specific activities it will perform to address the required actions specified in this Special Directive; the milestone schedule for completing the required actions; the responsible parties for the required actions and their contact information; and the verification strategy for ensuring the completion of required work.

The FTA will review and approve WMATA's corrective action plans, making any necessary revisions, and will monitor WMATA's progress in resolving each finding and required action. FTA will conduct meetings with WMATA as needed to review WMATA's progress. These corrective action plans will transition to the Metrorail Safety Commission when it fully assumes safety oversight under Part 674.

Petition for Reconsideration

¹ Two TOC findings have been consolidated, such that FTA will issue 21 findings as part of this directive. However, those 22 original findings, now 21, will have 24 associated required actions for WMATA.

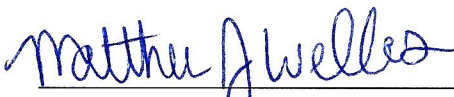
Within 30 days of the issuance of this Special Directive, WMATA may petition for special approval to take actions not in accordance with this Special Directive or may petition for reconsideration. Any such petition must be submitted in accordance with 49 C.F.R. § 670.27.

In accordance with 49 C.F.R. § 670.27(g), the FTA Administrator or his or her designee reviews and disposes of petitions for reconsideration. Currently, the position of FTA Administrator is vacant, thus the FTA Deputy Administrator will review and dispose of a petition for reconsideration of this Special Directive. WMATA must transmit a petition to the Deputy Administrator via email through Jamie Pfister, Director, FTA WMATA Safety Oversight Office, Jamie.Pfister@dot.gov.

Enforcement

Any violation of this Special Directive or the terms of any written plan adopted pursuant to this directive will be managed in accordance with the FTA's authorities under 49 U.S.C. § 5329, including but not limited to: (1) withholding up to 25 percent of financial assistance to WMATA under 49 U.S.C. § 5307; (2) issuing restrictions, closures, or prohibitions on service as necessary and appropriate to address unsafe conditions or practices that present a substantial risk of death or personal injury under 49 U.S.C. § 5329(h); and (3) directing WMATA to use Federal financial assistance to correct safety deficiencies pursuant to 49 U.S.C. § 5329(g)(1)(D).

Issued on: January 19, 2018



Matthew J. Welbes

Executive Director
Federal Transit Administration
U.S. Department of Transportation

Triennial Safety Review Category 1: Safety Findings and Required Actions for Fitness for Duty and Hours of Service Programs

FTA Finding	FTA Required Action
Finding 1 The WMATA does not consistently implement post-accident drug and alcohol testing.	FTA-TSR-18-001 The WMATA must ensure that employees are sent for post-accident drug and alcohol testing in compliance with FTA Drug and Alcohol Testing Program requirements.
Finding 2 The WMATA does not consistently implement its hours of service requirements.	FTA-TSR-18-002-a The WMATA must ensure that personnel covered by its hours of service requirements and their supervisors are trained on, and adhere to, these requirements.
	FTA-TSR-18-002-b The WMATA must ensure that all departments consistently implement hours of service requirements among their covered employees.
	FTA-TSR-18-002-c The WMATA must conduct annual hours of service audits on all safety sensitive departments.

Triennial Safety Review Category 2: Safety Findings and Required Actions for Hazard Management, Accident Investigation, and Data Collection and Analysis

FTA Finding	FTA Required Action
Finding 3 The WMATA does not consistently implement its Hazard Management Procedure.	FTA-TSR-18-003 The WMATA must evaluate the efficacy of its current Hazard Management Procedure, and revise, as appropriate, to ensure that hazards are identified and resolved.
Finding 4 The WMATA does not consistently implement its Safety Measurement System as described in Section 9 of its System Safety Program Plan.	FTA-TSR-18-004 The WMATA must ensure that all Metrorail incidents are entered into the Safety Measurement System according to the required timeframes.

Triennial Safety Review Category 3: Safety Findings and Required Actions for System Modification, Safety Certification, Configuration Management, and Procurement

FTA Finding	FTA Required Action
Finding 5 The Department of System Safety and Environmental Management's engineering modification instruction review processes are not documented in an internal procedure.	FTA-TSR-18-005 The WMATA must document the process used by the Department of System Safety and Environmental Management to review Engineering Modification Instructions.

Finding 6	The Department of System Safety and Environmental Management (SAFE) does not follow Safety and Security Certification Plan Section 3.3.1, which requires SAFE approval of daily certification testing plans prior to revenue operation after contractors perform work on track or automatic train control components.	FTA-TSR-18-006	The WMATA must evaluate its current requirements to approve daily certification testing plans developed by contractors prior to placing track and automatic train control components in revenue operations, and revise, as appropriate, to ensure the performance of this activity.
Triennial Safety Review Category 4: Safety Findings and Required Actions for Roadway Worker Protection			
FTA Finding		FTA Required Action	
Finding 7	The WMATA Roadway Worker Protection (RWP) Committee lacks a detailed charter and clearly defined procedures for managing updates and changes to RWP requirements.	FTA-TSR-18-007	The WMATA must develop the RWP Committee's charter, which must include procedures for managing updates and changes to the RWP requirements.
Finding 8	The Office of Technical Skills and Maintenance Training's roadway worker protection instructors lack practical on-the-job experience.	FTA-TSR-18-008	The WMATA must ensure instructors participate in mandatory field days and familiarization training and establish a process for auditing roadway worker protection training consistency and quality.
Finding 9	The Department of System Safety and Environmental Management does not conduct the biannual independent audit of Roadway Worker Protection (RWP) described in Section 3.3 of the RWP Training Standard Operating Procedure. Also, WMATA's Technical Skills and Maintenance Training Supervisors do not always complete the required checklists and reviews regarding RWP set-up and field compliance.	FTA-TSR-18-009	The WMATA must conduct a program of independent audits and rules compliance activities to ensure RWP program implementation in conformance with WMATA's rules and standard operating procedures.
Finding 10	The Roadway Worker Protection (RWP) Manual, the RWP training program, the Metrorail Safety Rules and Procedures Handbook, and the System Safety Program Plan provide inconsistent RWP-related information.	FTA-TSR-18-010	The WMATA must resolve inconsistencies in its RWP program documentation and training program.
Finding 11	The process used by WMATA's Human Resources for detailing the	FTA-TSR-18-011	The WMATA must establish RWP certification level requirements for

Roadway Worker Protection (RWP) certification level required for specific job duties is unclear, and no WMATA department maintains a master list or reference showing all descriptions with associated RWP certification level requirements.		all applicable Metrorail job descriptions and maintain a master list of these RWP certification requirements.
Finding 12 Training material is not always updated in a timely manner to reflect Permanent Orders and other rule changes, and the Office of Technical Skills and Maintenance Training does not maintain a log of rule changes not yet incorporated into training materials.	FTA-TSR-18-012	The WMATA must document its process for identifying and communicating new Permanent Orders, rule changes, and other related actions that affect the roadway worker protection (RWP) program to RWP training instructors, and must ensure that copies of new Permanent Orders and rule changes are available for WMATA employees in RWP training.
Finding 13 Frontline employee Roadway Worker Protection (RWP) Manuals do not contain the most up-to-date rules, and there is no easily accessible location where all related RWP rules and documentation is located.	FTA-TSR-18-013	The WMATA must continue its activities to create a location on its Intranet, or other site accessible to all Metrorail employees, where updated versions of the RWP Manual and related RWP Temporary and Permanent Orders, bulletins, lessons learned, emails, Standard Operating Procedures, Operations Administrative Procedures, and any other related documentation are maintained.
Finding 14 Roadway workers in charge (RWIC) provide abbreviated or incomplete job safety briefings which do not adequately address job and environment hazards.	FTA-TSR-18-014	The WMATA must develop a guide for RWIC on how to conduct job safety briefings, manage good faith safety challenges, and make track authorization requests, and must train all Level 4 RWICs on how to use the guide. WMATA also must assess use and implementation of the guide by Level 4 RWICs.
Finding 15 Frontline personnel are largely unaware of maps showing radio dead spots in the Metrorail system.	FTA-TSR-18-015	The WMATA must issue an agency-wide bulletin, letter, memorandum or other document explaining the availability of radio outage maps and how to access and read them.
Finding 16 Road mechanics do not consistently follow Train	FTA-TSR-18-016	The WMATA must issue a bulletin, letter, memorandum or other

Malfunction Standard Operating Procedure #34 to ensure that a train is immobilized and secured prior to working around it while on the right of way.		document explaining the requirements to be followed by road mechanics to ensure that a train is immobilized and secured prior to working around it while on the right of way.
Finding 17 There are no procedures describing how Metro Transit Police Department Roadway Worker Protection (RWP) training and RWP training provided to contractors by the Department of System Safety and Environmental Management are structured and administered.	FTA-TSR-18-017	The WMATA must develop procedures describing how the Metro Transit Police Department's RWP training and the RWP training provided to contractors by the Department of System Safety and Environmental Management are structured and administered.
Finding 18 Training materials delivered to Metro Transit Police Department officers do not specifically address their unique duties and exemptions.	FTA-TSR-18-018	The WMATA must ensure that Metro Transit Police Department training materials reflect their unique duties and exemptions as they relate to Roadway Worker Protection.
Triennial Safety Review Category 5: Safety Findings and Required Actions for Elevator and Escalator Maintenance		
FTA Finding	FTA Required Action	
Finding 19 The WMATA Division of Elevator/Escalator Services demonstrates a lack of consistent compliance with safety rules and requirements.	FTA-TSR-18-019-a	The WMATA must audit the Division of Elevator/Escalator Services' compliance with system, jurisdictional, Federal, and division safety rules and requirements and address the findings of that audit.
	FTA-TSR-18-019-b	The WMATA must conduct an analysis of the Division of Elevator/Escalator Services' safety rules and requirements to ensure the safety of the public and their technicians.
Finding 20 The WMATA Division of Elevator/Escalator Services demonstrates a lack of consistent conformance with preventive maintenance procedures and requirements.	FTA-TSR-18-020	The WMATA must audit the Division of Elevator/Escalator Services' preventive maintenance procedures and requirements and its technicians' conformance with the same and address the findings of that audit.
Triennial Safety Review Category 6: Safety Findings and Required Actions for Maintenance Facility Safety and Equipment Inspections		
FTA Finding	FTA Required Action	

Finding 21 Supervisors with the Office of Plant Maintenance do not consistently conduct two quality control audits of preventive maintenance activities as required by Standard Operating Procedure 209-07.	FTA-TSR-18-021	The WMATA must ensure that Office of Plant Maintenance supervisors consistently conduct quality control audits as required by Standard Operating Procedure 209-07.
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