

Safety Directive 16-1
*Safety Oversight for the Washington Metropolitan Area
Transit Authority Metrorail System*

UNITED STATES DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Safety Directive No. 16-1, Notice No. 1]

Safety Directive under 49 U.S.C. § 5329
Safety Oversight for the Washington Metropolitan
Area Transit Authority Metrorail System

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

SUMMARY: FTA Safety Directive 16-1 outlines how the FTA will exercise leadership over the Tri-State Oversight Committee (TOC) as part of the FTA's direct oversight of the safety of the Washington Metropolitan Area Transit Authority (WMATA) rail system. It realigns the work that the TOC will perform under the direction of FTA and identifies responsibilities FTA will assume to accomplish the existing State Safety Oversight Program requirements under current federal law and regulations. This action is temporary until such time as Virginia, Maryland and the District of Columbia replace the TOC with a new State Safety Oversight Agency that is fully compliant with 49 U.S.C. §5329(e).

FOR FURTHER INFORMATION CONTACT: For program matters, Sean Thompson, FTA Director for WMATA Safety Oversight, telephone (202) 366-3616 or Sean.Thompson@dot.gov. For legal matters, Scott Biehl, Senior Counsel, FTA, (202) 366-0826 or Scott.Biehl@dot.gov.

SUPPLEMENTARY INFORMATION:

Background

The Tri-State Oversight Committee (TOC) conducts safety oversight of the WMATA rail system, as required by the Federal regulations at 49 C.F.R. Part 659, and under the terms of a Memorandum of Understanding (MOU) among the District of Columbia, State of Maryland, and Commonwealth of Virginia. TOC will continue to conduct a baseline level of safety oversight of the WMATA rail system until the three jurisdictions establish a State Safety Oversight Program certified by the FTA as compliant with the standards for State Safety Oversight under 49 U.S.C. § 5329(e).

TOC has no legal authority for enforcement of its findings and recommendations for the safety of WMATA's rail system. TOC has no enabling legislation, administrative code, or regulations, nor is it a creature of law of any of the three jurisdictions. However, in accordance with the

MOU among the three jurisdictions, TOC has issued approximately 225 findings and recommendations for the safety of the WMATA rail system that are unresolved.

On October 9, 2015, the Secretary of Transportation announced that FTA will immediately take lead responsibility for safety oversight of the WMATA rail system, in accordance with the agency's authority under 49 U.S.C. §§ 5329(f) and (g), until the three jurisdictions have replaced the TOC with a State Safety Oversight Program administered by a new State Safety Oversight Agency that is fully compliant with 49 U.S.C. §5329(e). The Secretary's announcement followed a comprehensive Safety Management Inspection ("SMI") of the WMATA rail and bus systems that FTA conducted earlier this year, following a number of accidents, incidents, and a demonstrated pattern of safety lapses and concerns with WMATA's operations. On June 17, 2015, FTA issued both a Final Report on its SMI and Safety Directive 15-1, outlining 91 actions that WMATA must take to improve the safety of its public transportation operations; 78 of those 91 actions pertain to WMATA's rail system. On September 24, 2015, FTA approved WMATA's Corrective Action Plan ("CAP") to accomplish the required actions set forth in Safety Directive 15-1. FTA meets with WMATA on a monthly basis to track and oversee WMATA's progress in completing the required actions under the CAP.

This Directive outlines the respective roles and responsibilities of the TOC and FTA.

Actions

1. In exercising its lead responsibility for safety oversight of the WMATA rail system, FTA will conduct inspections, investigations, audits, examinations, and testing of WMATA's equipment, facilities, rolling stock, and operations; make reports and issue directives; impose reporting requirements; exercise other FTA oversight authorities; and withhold or direct the use of Federal financial assistance to WMATA, as necessary and appropriate.
2. At all times, FTA will retain lead responsibility for ensuring WMATA's completion of the CAP, but from time to time, FTA may task TOC to track and monitor WMATA's performance in completion of any required action under the CAP or any matter related to an FTA Safety Directive to WMATA. As available and appropriate, TOC will make its staff and consulting resources available for overseeing WMATA's completion of the required actions under the CAP.
3. In the immediate future, FTA will conduct an assessment of all findings and recommendations by TOC that remain unresolved. FTA will then address the findings and recommendations by TOC, as appropriate, to ensure that corrective actions are pursued under FTA oversight.
4. TOC remains responsible for compliance with the State Safety Oversight regulations at 49 C.F.R. Part 659. Until the District of Columbia, State of Maryland, and Commonwealth of Virginia establish a State Safety Oversight program that FTA has certified in accordance with 49 U.S.C. § 5329(e), FTA will provide leadership and

general direction to the TOC for purposes of ensuring that all current 49 C.F.R. Part 659 regulations are met.

5. FTA will oversee the safety of the WMATA rail system, and specifically, WMATA's implementation of the required actions under the CAP.

6. Under 49 U.S.C. § 5329(e)(6), FTA awards Federal financial assistance to the Metropolitan Washington Council of Governments ("MWCOG") for the purpose of safety oversight of the WMATA rail system. MWCOG acts as the recipient of this Federal funding for administrative purposes, only; the District of Columbia, the State of Maryland, and the Commonwealth of Virginia each provide one-third of the local match to this Federal funding, and the three jurisdictions direct the activities of the TOC, through the staff and the consulting resources they provide the TOC. A certain portion of this Federal financial assistance will continue to be allocated for developing a State Safety Oversight Program compliant with 49 U.S.C. § 5329(e). The remainder of this Federal financial assistance will be made available for the purpose of overseeing the safety of the WMATA rail system, and WMATA's completion of the required actions under the CAP; FTA may impose or modify terms and conditions in the grants of Federal financial assistance for that purpose.

Issued on October 26, 2015.

A handwritten signature in blue ink, reading "Therese W. McMillan". The signature is written in a cursive style with a long horizontal flourish at the end.

Therese W. McMillan
Acting Administrator
Federal Transit Administration
U.S. Department of Transportation