



THE SECRETARY OF TRANSPORTATION  
WASHINGTON, DC 20590

August 3, 2016

The Honorable Larry Hogan  
Governor of Maryland  
100 State Circle  
Annapolis, MD 21401

The Honorable Terry McAuliffe  
Governor of Virginia  
State Capitol, Third Floor  
Richmond, VA 23219

The Honorable Muriel Bowser  
Mayor of the District of Columbia  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

Dear Governor Hogan, Governor McAuliffe, and Mayor Bowser:

On February 8, 2016, I wrote to you regarding the urgent need for your three jurisdictions to establish a federally compliant State Safety Oversight Authority (SSOA) to oversee the rail operations of the Washington Metropolitan Area Transit Authority (WMATA). That effort requires (1) the enactment of new legislation by the three jurisdictions to create a fully functioning and effective SSOA and (2) the implementation of measures to stand up the SSOA. At the time, I cautioned you that failure to fulfill the jurisdictions' statutory obligation by February 9, 2017, could result in the withholding of "up to 5 percent of the amount required to be appropriated for use in a State or urbanized area in the State under Section 5307" of the Fixing America's Surface Transportation (FAST) Act until the Federal Transportation Administration (FTA) certifies the new SSOA.

I am encouraged to see that the jurisdictions share the U.S. Department of Transportation's (DOT) commitment to the safety of the WMATA Metrorail system and have taken steps collectively over the past several months to establish a new SSOA. In particular, the three jurisdictions have drafted new legislation that, based on DOT's review, would, if enacted as proposed and effectively funded and implemented, likely satisfy the legal requirements set out in 49 U.S.C. § 5329 of the FAST Act and FTA's implementing regulations (49 C.F.R. Part 674). The FAST Act requirements include, but are not limited to, ensuring that the new SSOA is

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legally and financially independent of WMATA and has effective enforcement mechanisms to secure WMATA's compliance with safety requirements. I also am encouraged by the fact that Mayor Bowser has formally submitted the legislation to the Council of the District of Columbia, and that the Council expects to vote on the measure this fall. I urge the State of Maryland and the Commonwealth of Virginia to follow the District of Columbia's example and pass the legislation well before February 9, 2017.

I further understand that the three jurisdictions are working collaboratively to build the framework of the new SSOA in parallel with your efforts to pass enabling legislation. This effort also is essential to ensuring that the jurisdictions are able to stand up and maintain a fully functioning SSOA as soon as practicable after the legislation is enacted by all three jurisdictions.

Because your overall effort is critical to ensuring the future safety of Metrorail, the February 9, 2017, deadline remains in place. The progress that the three jurisdictions have made to date clearly demonstrates that you are capable of meeting the deadline with continued focus. I assure you that DOT and FTA will continue to work with all of you to support this effort.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Anthony R. Foxx', is centered below the word 'Sincerely,'. The signature is fluid and cursive.

Anthony R. Foxx

cc: Thomas V. (Mike) Miller, Jr., President, Maryland Senate  
J.B. Jennings, Minority Leader, Maryland Senate  
Mike Busch, Speaker, Maryland House of Delegates  
Nicholas Kipke, Minority Leader, Maryland House of Delegates  
Thomas Norment, Jr., Majority Leader, Virginia State Senate  
Dick Saslaw, Minority Leader, Virginia State Senate  
William Howell, Speaker, Virginia House of Delegates  
David Toscano, Minority Leader, Virginia House of Delegates  
Phil Mendelson, Chairman, Council of the District of Columbia