



U.S. Department
of Transportation

**Federal Transit
Administration**

Administrator

1200 New Jersey Avenue, SE
Washington, DC 20590

OCT 26 2015

Mr. Mortimer Downey
Board Chairman
Washington Metropolitan Area Transit Authority
600 Fifth Street NW
Washington, DC 20001

Mr. Jack Requa
Interim General Manager and Chief Executive Officer
Washington Metropolitan Area Transit Authority
600 Fifth Street NW
Washington, DC 20001

**Subject: FTA Oversight of Washington Metropolitan Area Transit Authority (WMATA)
Metrorail Safety – New Roles, Responsibilities and Reporting Relationships**

Dear Mr. Downey and Mr. Requa:

I am writing to follow up on our previous correspondence and discussions regarding U.S. Secretary of Transportation, Anthony Foxx's direction that the Federal Transit Administration (FTA) assume temporary, independent safety oversight authority of WMATA Metrorail and provide leadership direction to the Tri-State Oversight Committee (TOC) until the District of Columbia, Maryland, and Virginia establish a Moving Ahead for Progress in the 21st Century Act (MAP-21) compliant, fully functioning, and capable State Safety Oversight Agency (SSOA) that will replace the TOC. This letter outlines the new structure FTA has established to carry out the Secretary's directive.

The comprehensive approach discussed below reflects not only the existing State Safety Oversight (SSO) program responsibilities that must be accomplished under current federal regulations, but also the additional activities that FTA will bring to bear under our MAP-21 authority.

Importantly, the enhanced FTA safety oversight is an extension of the oversight activities we have already initiated related to WMATA Metrorail and Metrobus. The FTA is currently responsible for overseeing and verifying implementation by WMATA of a Corrective Action Plan (CAP) arising from a comprehensive Safety Management Inspection (SMI) report and Safety Directive 15-1 issued by FTA in June 2015. Thus, the FTA's overall leadership of WMATA safety oversight of Metrorail builds on that foundation.

To be clear, while the SMI, Safety Directive and related CAP also addressed bus safety findings and required actions, the enhanced FTA safety oversight plan outlined in this letter is focused on current regulations and MAP-21 SSO regulatory requirements specific to transit rail activities and does not extend to WMATA bus operations.

There are five key elements to the enhanced FTA safety oversight structure for Metrorail.

First, FTA is assuming from the TOC the overall leadership role for safety related to SSO program regulations, oversight and inspection activities. This spans the full range of responsibilities under the current 49 C.F.R. Part 659 regulations as well as those established under MAP-21.

Second, the TOC will continue to exist and FTA will oversee and direct the work that it will retain and perform. The FTA is issuing a Safety Directive that will clearly define the respective roles and responsibilities of the TOC and FTA. In addition, current TOC staff and Federal SSO grant resources will be brought to bear to carry out these activities.

Third, FTA will ensure WMATA's implementation of corrective actions to improve safety and verify that the work is completed. At the core of FTA's safety responsibilities are the 78 rail-related required actions arising from the SMI and Safety Directive 15-1. The FTA will add to that list any open and outstanding safety actions that TOC has issued in the past, but WMATA has not yet fulfilled. Critically, this oversight responsibility includes heightened, on-the-ground inspection activity to ensure that the required actions are in fact being implemented. Additional inspections will be conducted, on a proactive and at times unannounced basis, to address safety concerns brought to our attention.

Fourth, FTA retains the right to investigate any and all events that to varying degrees threaten or otherwise compromise safety of WMATA passengers or employees. In those cases where the National Transportation Safety Board elects to lead such investigative efforts, FTA will participate as a party to the investigation. However, FTA retains the right to conduct in parallel relevant additional safety examinations as circumstances may warrant. In addition, FTA will assume from the TOC all open accident investigation reports for review, action, and final closeout.

And fifth, FTA will exercise its authority under 49 U.S.C. § 5329(g) to direct the use of certain Federal funds received by WMATA to correct safety deficiencies identified in open and outstanding required actions under any Metrorail CAP or for other relevant safety actions as determined by FTA. This FTA-directed use of WMATA Federal funding will apply to all FTA administered grant programs for activities related to rail transit investments.

In addition, there are two important WMATA Metrorail safety-related activities for which FTA has a direct interest and will occur simultaneously, but separately, from the enhanced safety oversight outlined above. An SSOA is required to perform certain actions related to safety reviews and clearances for new rail transit services prior to revenue operations.

The FTA already has an established oversight role in this regard and that will continue unchanged. Also, with FTA taking lead responsibilities for safety oversight of Metrorail, TOC managers and staff must work more expeditiously with the District of Columbia, Maryland, and Virginia to stand up a new SSOA that meets the mandates of MAP-21. As Secretary Foxx has stated many times, the importance of accelerating actions needed to replace the TOC cannot be overstated. The FTA leadership of Metrorail safety oversight responsibilities is temporary and will continue only until a verified, fully compliant SSOA is established.

It is essential that you understand from the present circumstances and our plan for enhanced Federal safety oversight of Metrorail, it is no longer business as usual. To illustrate this point, the proper reporting relationship is for WMATA to report to the SSOA, not vice versa. Effective immediately, TOC will no longer make regular reports before the WMATA board of directors as has been the current practice, an arrangement unique among all the rail transit industry. Furthermore, all communications between TOC and WMATA are to go through FTA. The FTA will implement new oversight reporting and communications protocols, including measures to keep the public informed about the status and progress being made under federal oversight.

To accommodate all FTA determined oversight, inspection, and investigation activities, WMATA must provide FTA and its representatives with required access and protections, as necessary, to facilitate their ability to safely and freely access all rail system equipment, facilities, and infrastructure. In addition, WMATA must ensure FTA has full access to all information and reports generated to monitor the safety, status, and performance of the Metrorail system, including for operations and maintenance. Also, to ensure capital projects and forthcoming grant funds support rail safety initiatives, WMATA will include FTA Region III in the budget development process and discuss any budget amendments.

In closing, the WMATA safety oversight team will be developing more detailed directives, standard operating procedures, and other related communications in support of the actions listed in this letter. I appreciate your attention and cooperation as FTA moves forward with this important responsibility. The FTA's Office of Transit Safety and Oversight has designated Sean Thompson as the FTA Director for WMATA Safety Oversight and he can be reached on (202) 366-3616 or at sean.thompson@dot.gov for all safety oversight activities related to the TOC and WMATA Metrorail.

If you have any additional questions, please feel free to contact me directly at (202) 366-4040.

Sincerely yours,



Therese W. McMillan
Acting Administrator