

MOVING FORWARD AFTER THE NATIONAL TRANSPORTATION SAFETY BOARD REPORT: MAKING METRO A SAFETY LEADER

HEARING

BEFORE THE
SUBCOMMITTEE ON FEDERAL WORKFORCE,
POSTAL SERVICE, AND THE DISTRICT
OF COLUMBIA

OF THE
COMMITTEE ON OVERSIGHT
AND GOVERNMENT REFORM
HOUSE OF REPRESENTATIVES

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**MOVING FORWARD AFTER THE NATIONAL
TRANSPORTATION SAFETY BOARD REPORT:
MAKING METRO A SAFETY LEADER**

THURSDAY, SEPTEMBER 23, 2010

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON FEDERAL WORKFORCE, POSTAL
SERVICE, AND THE DISTRICT OF COLUMBIA,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:25 p.m. in room 2203, Rayburn House Office Building, Hon. Stephen F. Lynch (chairman of the subcommittee) presiding.

Present: Representatives Lynch, Norton, and Bilbray.

Staff present: Aisha Elkheshin, clerk/legislative assistant; William Miles, staff director; and Dan Zeidman, deputy clerk/legislative assistant.

Mr. LYNCH. I would like to call this hearing to order. The Subcommittee on the Federal Workforce, Postal Service, and the District of Columbia's hearing will now come to order. I would like to welcome those Members in attendance.

I know that Mr. Chaffetz was just with us at the earlier hearing, so he is in transit right now. And I would like to thank all of our witnesses and those in attendance this afternoon.

The purpose of today's hearing is to explore the steps the Washington Metropolitan Area Transit Authority has taken to address the safety findings and recommendations contained in the recent National Transportation Board's issued Railroad Accident Report on June 22, 2009, Metro rail collision. The Chair, the ranking member, and the subcommittee members will each have 5 minutes to make an opening statement, and all Members will have 3 days to submit statements for the record.

Hearing no objections, so ordered.

As stated earlier today, our hearing has been called in order for the subcommittee to once again receive an update on the steps the Washington Metropolitan Area Transit Authority is taking to ensure that the Metro rail, bus, and para-transit services are operating at the highest possible levels of safety and reliability.

Today's hearing, which marks the third subcommittee hearing held on the Washington Metro in the 111th Congress, will also entail a full discussion on the findings and recommendations contained in the National Transportation Safety Board's recently issued Railroad Accident Report on the June 22, 2009, Red Line

collision, and the Washington Metro's efforts to address the NTSB's conclusions in that report.

The Washington Metropolitan Area Transit Authority is the national capital area primary public transportation agency and provides service to a population of over 3½ million people within a 1,500 square mile area. Considering the estimated 40 percent of the Federal employees who utilize the Washington Metro on a daily basis and the hundreds of thousands of D.C. area residents and tourists who rely on the system to navigate the Nation's Capital, it is critical that America's transit system, so-called, be at the highest level of dependability and safety.

Since the June 22, 2009, Red Line collision which left 9 people dead and 76 injured, serious questions have been raised by the Federal Transit Administration, the Tri-State Oversight Committee, and most recently the National Transportation Safety Board regarding deficiencies in the Washington Metro safety culture. Notably, the National Transportation Safety Board concludes that shortcomings in the Washington Metro's internal communications, in its recognition of hazards, its assessment of risk from those hazards, and its implementation of corrective actions are all evidence of an ineffective safety culture within the organization.

In light of these concerns, I am particularly interested in hearing about the specific actions that the Washington Metro has pursued over the last several months to elevate and improve the organization's safety record and performance.

I also look forward to discussing ongoing efforts to strengthen and empower the Tri-State Oversight Committee, which serves as the Washington Metro safety oversight agency in accordance with FTA regulations. I understand that the Washington Metro is currently navigating a complex transition period, and while today's hearing is aimed at addressing the the transit system safety and reliability challenges, we cannot ignore Washington Metro's financial challenges which, whether we like it or not, impact the organization's ability to achieve certain standards of safety.

Additionally, I would like to note that the Federal Government has a role to play in promoting the safety and service of the Washington Metro, and I welcome the opportunity to hear more about what we here in Congress can do to help the Washington Metro at this time.

Again, I would like to thank each of you for your willingness to be with us and to help the committee with its work, and I look forward to your participation in today's important hearing.

[The prepared statement of Hon. Stephen F. Lynch follows:]

STATEMENT OF THE HONORABLE STEPHEN F. LYNCH

**SUBCOMMITTEE ON FEDERAL WORKFORCE, POSTAL SERVICE, AND THE DISTRICT OF COLUMBIA
OVERSIGHT HEARING**

“Moving Forward After the NTSB Report: Making Metro a Safety Leader”

Thursday, September 23, 2010, 2203 Rayburn House Office Building

Let me begin by welcoming our Ranking Member, Congressman Chaffetz, other distinguished Members of the Subcommittee, today’s witnesses, and all those in attendance this afternoon. Today’s hearing has been called in order for the Subcommittee to once again receive an update on the steps the Washington Metropolitan Area Transit Authority is taking to ensure that its Metro rail, bus and para-transit services are operating at the highest possible levels of safety and reliability.

Today’s hearing, which marks the third Subcommittee hearing held on the Washington Metro in the 111th Congress, will also entail a lengthy discussion on the findings and recommendations contained in the National Transportation Safety Board’s recently issued Railroad Accident Report on the June 22, 2009 Red Line collision and the Washington Metro’s efforts to address the NTSB’s conclusions.

The Washington Metropolitan Area Transit Authority is the National Capital Area’s primary public transportation agency and provides services to a population of over 3.5 million people within a 1,500 square-mile area. Considering the estimated 40% of federal employees who utilize the Washington Metro on a daily basis and the hundreds of thousands of D.C. area residents and tourists who rely on the system to navigate the Nation’s Capital, it is critical that “*America’s Transit System*” be a pinnacle of dependability and safety.

Since the June 22, 2009 Redline collision, which left nine dead and 76 injured, serious questions have been raised by the Federal Transit Administration, the Tri-State Oversight Committee, and, most recently, the National Transportation Safety Board regarding deficiencies in the Washington Metro’s safety culture. Notably, the NTSB concludes that, “shortcomings in [the Washington Metro’s] internal communications, in its recognition of hazards, its assessment of risk from those hazards, and its implementation of corrective actions are all evidence of an ineffective safety culture within the organization.”

In light of these concerns, I am particularly interested in hearing about specific actions the Washington Metro has pursued over the past months to elevate and improve the organization’s safety record and performance. I also look forward to discussing ongoing efforts to strengthen and empower the Tri-State Oversight Committee, which serves as the Washington Metro’s State Safety Oversight Agency, in accordance with FTA regulations.

I understand that the Washington Metro is currently navigating a complex transition period, and while today’s hearing is aimed at addressing the transit system’s safety and reliability challenges, we cannot ignore the Washington Metro’s financial challenges, which, whether we like it or not, impact the organization’s ability to achieve certain standards of safety. Additionally, I would like to note that the Federal government has a role to play in promoting the safety and service of the Washington Metro, and I welcome the opportunity to hear more about what we in Congress can do to help the Washington Metro at this time.

Again, I’d like to thank each of you for being with us this afternoon, and I look forward to your participation in today’s important hearing.

Mr. LYNCH. In light of my colleague and friend, Mr. Chaffetz's absence, and it is understandable. We were in two competing hearings. I ran a little faster than he did to get over here, and he will be along directly. He is very diligent about that.

I would like to recognize Ms. Eleanor Holmes Norton, Congresswoman from the District of Columbia, for 5 minutes.

Ms. NORTON. Thank you very much, Mr. Chairman. And thank you above all, as we come to the end of this session, for the way that you have pressed this subcommittee and the leadership on Metro matters. You indicated we have had three hearings. We even had a hearing before the collision. But, Mr. Chairman, you have taken the leadership in making sure that there was direct and timely and constant oversight from the Congress. I particularly appreciate that you are holding this hearing on the NTSB recommendations before Congress adjourns so that work can begin on them beyond what I am sure is already taking place.

I want to emphasize again, Mr. Chairman, that beyond the obvious interest of members of the committee who are from this region, there is a strong Federal interest in what happens to Metro since, indeed, almost of half of the riders on weekdays are Federal employees, which is why we subsidize them to get to work. Anyone who doubts that need only think of the snow storms of the past winter, when it became clear that if Metro shuts down, so must the Government shut down.

So we have an interest in Metro beyond even the private sector here, and particularly in the fact that it has for decades been plagued by a series of safety issues. The NTSB, of course, has been on top of these issues throughout, and this subcommittee has been at pains to see that others with oversight are also as diligent.

Mr. Chairman, the most disturbing part of what we have known from briefings from the NTSB is that this tragedy was preventable. There was no signal that there was a train on the track, and yet there were systems in the hands of Metro which could have, indeed, been in use. That has led the subcommittee to focus on safety, and the NTSB's recommendations on safety culture is the recommendation that it be, in my view, at least, it has focused most of my attention.

I hope this won't be seen as a reflection on the workers, because, as I questioned Ms. Hersman and others at NTSB, I learned that NTSB was almost alone in not having a non-punitive safety culture. Apparently, other common carriers understand that the safety culture has to be non-punitive, so that if you report, that report won't result in punishment. Why would anybody report then against their own personal interest? Yet, it appears that is the way in which Metro has operated. That is not the way in which, according to NTSB, trains operate or airlines operate. They have long had non-punitive cultures. I am sure if we had such a culture at Metro much of the rest would take care of itself.

Mr. Chairman, I note that, even as we are in session, the subcommittee, the NTSB Reauthorization Act is going to be on the floor today, and I am pleased to note that. I have a section of that bill that is far less important than the reauthorization, itself, but it would clarify that NTSB can make interim safety recommendations.

NTSB was on point in making all of the recommendations that should have been followed. At the same time, we could hardly blame Metro, which only got the first \$150 million, this year it is going to get another \$150 million, for not having replaced the trains and the tracks and the rest, although I do believe the track matter did not require that the overhaul of the system that we now know must take place, and Metro is certainly to be held accountable for that.

I regret that only after the tragedy did the first \$150 million come, but now they seem to be coming in regular order, and I will be very, very interested to hear what progress Metro has made on these recommendations, most of which they were aware of simply by virtue of the trauma they have gone through even before the NTSB has given them a virtual track record to follow. If they go down that list, do what the NTSB says, I think all of us will feel safer.

Thank you very much again, Mr. Chairman.

[The prepared statement of Hon. Eleanor Holmes Norton follows:]

**OPENING STATEMENT OF
ELEANOR HOLMES NORTON
HOUSE SUBCOMMITTEE ON FEDERAL WORKFORCE, POSTAL SERVICE, AND
THE DISTRICT OF COLUMBIA**

**MOVING FORWARD AFTER THE NTSB REPORT: MAKING METRO A SAFETY
LEADER**

September 23, 2010

First, I want to express my deep appreciation to Chairman Stephen Lynch for his continuing leadership Metro and his particular willingness to schedule the first congressional hearing following the issuance of findings and recommendations by the National Transportation Safety Board (NTSB) in its recently issued Railroad Accident Report on the June 22, 2009, Washington Metropolitan Area Transit Authority (WMATA) rail collision (Accident Report). It is critical to this hearing before Congress adjourns to discuss the steps WMATA has taken to address the NTSB's findings and recommendations. I appreciate your efforts, Mr. Chairman, in once again taking the lead on Metro oversight. Under your leadership, this subcommittee already has held one hearing on Metro this Congress.

WMATA is particularly important to the federal government because nearly half of the workers WMATA transports in the National Capital Region to and from work each weekday are

federal employees. As this winter's snowstorms confirmed, the federal government cannot operate if Metro is not functioning. WMATA, which is the nation's second largest rail transit system, with over 106 miles of track and 86 stations, has been plagued by a number of safety issues. These issues came to a head when, in June 2009, Red Line trains collided near the Fort Totten station, killing nine people, including seven residents of the District of Columbia, and injuring nearly 80 others.

According to the NTSB's Accident Report, the collision was the result of a track circuit malfunction, as well as WMATA's failure to verify track circuit performance. Importantly, the NTSB also said that WMATA's safety issues stemmed from its lack of a genuine safety culture, and noted that, while the several agencies that oversee WMATA can make safety recommendations, none has the authority to enforce those recommendations. Not surprisingly, therefore, WMATA has had a history of delaying the implementation of recommendations made by the NTSB, the Tri-state Oversight Committee (TOC) and Congress. Without the implementation of a genuine safety culture at WMATA, tragedies like the June 22, 2009, collision cannot reasonably be avoided, and without the appropriate entities having proper

enforcement authority, there is no way to ensure that WMATA implements safety recommendations.

The safety of WMATA has long been important to many of us in this region, for policy as well as personal reasons. For example, I named my bill to authorize the D.C. National Guard Tuition Assistance program in honor of Major General David Wherley Jr., a former Commander of the D.C. National Guard and a friend with whom I had worked closely, who, along with his wife, Ann, died in the June 22, 2009, crash. In 2009, I also introduced H.R. 3975 to clarify that the NTSB can and should offer interim safety recommendations, even when more extensive and costly measures are also recommended and necessary. My bill is now a part of the National Transportation Safety Board Reauthorization Act (H.R. 4714), which passed out of the Transportation and Infrastructure Committee earlier this year and is scheduled to be considered on the House floor today. Perhaps most important, I have worked with our regional delegation in the House and Senate to get federal funds for WMATA. The second \$150 million installment for WMATA will have been approved by the end of this session, leaving eight more annual installments of the full \$1.5 billion authorized.

I thank WMATA for the work that it has already begun in order to address the NTSB's recommendations, including replacing track circuit modules, revamping its safety department, and working with the TOC to ensure that the exchange of information pertaining to safety is fluid. I look forward to learning more about what further steps WMATA, with the help of its various oversight bodies, is taking to address the NTSB's recommendations. I welcome Deborah A. P. Hersman, Chair, NTSB; Richard Sarles, Interim General Manager, WMATA; Catherine Hudgins, First Vice Chairman, Board of Directors, WMATA; Matthew Bassett, Chair, Tri-state Oversight Committee; Anthony W. Garland, Recording Secretary/Local 689 Safety Officer, Amalgamated Transit Union; and Francis DeBernardo, Chair, Riders' Advisory Council. We thank you for appearing today, and look forward to testimony from each of you.

Mr. LYNCH. I thank you.

I am going to fully recognize my Republican colleagues when they do arrive, but in the interest of time what I would like to do is, first of all, ask all of our witnesses, it is the custom before this committee that anyone who is offering testimony must be sworn, so may I please ask you to rise. Raise your right hands.

[Witnesses sworn.]

Mr. LYNCH. Let the record show that each of the witnesses has answered in the affirmative.

I know that a few of you have been here before this committee and you understand the lighting system we have here. That little box in the middle of the table will flash green when you are to begin your testimony, and then after it turns yellow you are to wrap up your testimony, and then the red light indicates that your time has expired.

What I would like to do is to first offer some brief introductions of our panelists.

First of all, Deborah A.P. Hersman was sworn in as the 12th chairman of the National Transportation Safety Board on July 28, 2009, following her nomination to the post by President Barack Obama and confirmation by the U.S. Senate. Chairman Hersman is also serving a second 5-year term as a board member on the National Transportation Safety Board.

While I think initially we had a conflict for time, I think we have resolved that, which is important, and I appreciate your diligence in being here in the important role that you have played not only in identifying the causes of this accident, but also in the recommendations that you have made to make necessary corrections, so I am very happy that you will be able to join us for the full hearing.

Ms. Catherine Hudgins is the first vice chairman of the Washington Metropolitan Area Transit Authority Board of Directors. Ms. Hudgins joined the Metro board in January 2004 as an alternate director. She was appointed as principal director in 2008, representing Fairfax County, Virginia. Ms. Hudgins also was elected to the Fairfax County Board of Supervisors in November 1999 and is currently serving her third term.

Richard Sarles was appointed interim general manager of the Washington Metropolitan Area Transit Authority by the Metro Board of Directors effective April 3, 2010. Notably, Mr. Sarles has more than 40 years of experience in the transit industry with New Jersey Transit, Amtrak, and the Port Authority of New York and New Jersey. He most recently retired from New Jersey Transit, where he served as Executive Director.

Matthew Bassett serves as chairman of the Tri-State Oversight Committee, the joint organization that oversees Metro rail safety and security programs. Mr. Bassett works for the Virginia Department of Rail and Public Transportation. Prior to joining the Department of Rail and Public Transportation, he worked for the Maryland Department of Transportation's Rail Safety Oversight Programs.

Anthony W. Garland is the recording secretary for the Amalgamated Transit Union, Local 689. Mr. Garland, originally a Metro bus operator, has more than 25 years experience with Local 689.

Prior to being elected recording secretary, Mr. Garland served as a shop steward, executive board member, and assistant business agent of Local 689.

Welcome, Mr. Garland.

Francis DeBernardo is the Chair of the Riders' Advisory Council for the Washington Metropolitan Area Transit Authority, which provides the Washington Metro Board with the riders' perspective on issues affecting Metro bus, Metro rail, and Metro access. Mr. DeBernardo is also the Executive Director of the New Ways Ministry located in Mount Ranier, Maryland.

Welcome all.

What I would like to do then is to ask, Ms. Hersman, if you would like to begin by offering your opening statement for 5 minutes. Thank you.

STATEMENTS OF DEBORAH A.P. HERSMAN, CHAIRMAN, NATIONAL TRANSPORTATION SAFETY BOARD; CATHERINE HUDGINS, BOARD OF DIRECTORS, FIRST VICE CHAIRMAN, WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY; RICHARD SARLES, INTERIM GENERAL MANAGER, WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY; MATTHEW BASSETT, CHAIR, TRI-STATE OVERSIGHT COMMITTEE; ANTHONY W. GARLAND, RECORDING SECRETARY/LOCAL 689 SAFETY OFFICER, AMALGAMATED TRANSIT UNION, LOCAL 689; AND FRANCIS DEBERNARDO, CHAIR, RIDERS' ADVISORY COUNCIL

STATEMENT OF DEBORAH A.P. HERSMAN

Ms. HERSMAN. Thank you. Good afternoon, Chairman Lynch, Delegate Norton, members of the committee. The Safety Board is pleased to return to brief you on the findings and the recommendations from our report on the June 22, 2009, collision that occurred near Fort Totten. It resulted in 9 fatalities and 52 injuries.

About a month after the accident, actually, a couple weeks, July 13th, we issued two early recommendations. We testified before your committee the day after that on July 14th. On September 22nd we issued nine additional recommendations. We held a public hearing on February 23rd through 25th. We held our Board meeting, where we adopted the final report and 23 more recommendations on July 27, 2010. And on August 9th our Board, the five members of the National Transportation Safety Board, met with the Metro Board, all the members of their Board, to discuss our findings.

We determined the probable cause of the accident was the failure of the track circuit modules to cause the automatic train control system to lose detection of the train, and thus transmit speed commands to the trailing train up to the point of impact. WMATA's failure to ensure that enhanced track circuit verification test was institutionalized and used system-wide, which would have identified the faulty track circuit before the accident; the lack of a safety culture within WMATA; WMATA's failure to maintain and monitor the performance of its automatic train control system; GRS and Alstom Signal Inc.'s failure to provide a maintenance plan to detect spurious signals that could cause its track modules to malfunction;

ineffective oversight by the Metro Board; TOC's ineffective oversight and lack of oversight authority; and FTA's lack of statutory authority.

With your permission, I would like to show a short animation of the accident sequence for the committee. The motion of the struck train, Train No. 214, was derived from data retrieved from event recorders. The striking train, No. 112, did not have event recorders; consequently, its motion is derived by simulation of speed commands that were transmitted from the train control system and the train performance characteristics.

The animation is going to show two views of the train in real time. The top of the screen shows an overhead view of both trains as they travel inbound on the red line. The striking train is indicated by the blue arrow, and the struck train, 214, is shown by the orange arrow. The yellow dots on the track delineate each segment of the track, each circuit.

WMATA's automatic train control system is designed to issue speed commands to trains to ensure that at least one unoccupied track circuit separates the trains. The middle section of the screen shows the time of day, speed commands issued by the train control system, and the actual speeds of each train. Finally, the bottom of the screen shows a view riding along with the striking train up to the point of the collision.

[Video shown.]

Ms. HERSMAN. The animation begins with Train 112's departure from Tacoma Station about 2½ minutes before the collision. Train 112 is being operated in the automatic mode, where the train responds automatically to the speed commands from the train control system.

At this time, Train 214 is approaching Fort Totten and is about eight-tenths of a mile ahead of train 112. Train 214 is being operated in the manual mode, where the operator controls the motion of the train according to the speed commands from the train control system. Notice that the speed command for Train 112 varies with the position of the train ahead. Its actual speed lags behind the speed command.

At this point the system has brought the speed command for Train 112 to zero due to the presence of Train 214 ahead, and Train 112 automatically begins to slow to a stop.

The lead train, 214, is on a faulty track circuit. The speed command displays zero, and the operator of 214 begins to manually slow the train to a stop. Because the train control system cannot detect Train 214, it responds as if the track ahead is clear and transmits an errant speed command of 55 miles per hour. Train 112 automatically begins accelerating to 55 miles per hour, with Train 214 stopped and undetected just ahead.

According to sight distance testing, at 470 feet apart the operator of Train 112 had a full view of Train 214. Approximately 3 seconds after the Train 112 operator had the full view of the stopped train, she applies emergency braking. Braking action was normal, but there was only enough time to slow the train a few miles per hour.

[Video concludes.]

Ms. HERSMAN. Thank you for inviting me to testify and allowing me to show the animation. I am ready to answer any questions when it is time.

[The prepared statement of Ms. Hersman follows:]

**Testimony of the Honorable Deborah A.P. Hersman
Chairman
National Transportation Safety Board
Before the
Subcommittee on Federal Workforce, Postal Service, and the District of Columbia
Committee on Oversight and Government Reform
United States House of Representatives
Hearing on
Moving Forward after the NTSB Report: Making Metro a Safety Leader
Washington, DC
September 23, 2010**

Good afternoon Chairman Lynch, Ranking Member Chaffetz, and members of the Subcommittee.

On July 27, the National Transportation Safety Board (NTSB) held a Board Meeting to consider a report on the deadly June 22, 2009 collision of two Metrorail trains on the Red Line near the Fort Totten station. The Board adopted a report with 23 recommendations that, if implemented, will improve safety for Metro riders and transit riders throughout the country. I appreciate your holding this hearing today to examine these recommendations.

The Accident

The accident resulted in nine fatalities, including the train operator, and emergency response agencies reported transporting 52 people injured in the accident to local hospitals. What NTSB investigators found, and the report concluded, was that the collision resulted from a failure of the track circuit modules, which caused the automatic train control (ATC) system to lose detection of one train, allowing a second train to strike it from the rear. The NTSB also concluded that the Washington Metropolitan Area Transit Authority (WMATA) failed to ensure that a verification test for track circuits, developed after a 2005 incident involving two near-collisions near the Rosslyn station, was used system wide. This test would have identified the faulty track circuit before the accident.

Beyond faulty track circuits, the NTSB's investigation also revealed layers of safety deficiencies and a systemic breakdown of safety management at all levels. The NTSB concluded that the following factors also contributed to the accident: the lack of a safety culture within WMATA; WMATA's failure to effectively maintain and monitor the performance of its automatic train control system; GRS/Alstom Signaling Inc.'s failure to provide a maintenance plan to detect spurious signals that could cause its track circuit modules to malfunction; ineffective safety oversight by the WMATA Board of Directors; the Tri-State Oversight Committee's (TOC) ineffective oversight and lack of safety oversight authority; and the Federal Transit Administration's (FTA) lack of statutory authority to provide federal safety oversight. The NTSB report also cited that WMATA's failure to replace or retrofit the 1000-series cars

contributed to the severity of passenger injuries and the number of fatalities, after these cars were shown in previous accidents to exhibit poor crashworthiness.

As a result of this investigation, the NTSB made 23 recommendations to the U.S. Department of Transportation, the FTA, TOC, WMATA, Alstom Signaling, and transit authorities in six states that use GRS Generation 2 modules. The NTSB approved recommendations are attached to my testimony.

After the Board Meeting

Two weeks after adopting the report, an unprecedented meeting between the five NTSB Board members and the entire WMATA Board of Directors took place at Metro headquarters to discuss the NTSB report's findings and recommendations. In that meeting Interim General Manager Richard Sarles discussed the NTSB recommendations and the steps WMATA would take to address the recommendations. WMATA is taking this report seriously, and WMATA officials have committed to implementing all NTSB recommendations.

In response to a Congressional inquiry, WMATA Board Chairman Peter Benjamin estimates the cost of implementing the recommendations at \$935 million. The largest portion of this expense is the replacement of the 1000-series cars at \$835 million. (In fact, WMATA has already ordered 428 next generation of cars which will start arriving in 2013.) While rail cars with improved crashworthiness standards are very important, they are the last line of defense. Implementing the less costly recommendations can lead to a safer overall system with a focus on accident prevention.

I am hopeful that WMATA can create and promote a strong safety culture. Just last week, the WMATA Board of Directors proposed a new mission statement, which, if adopted, will include "safety," and they created the new Safety and Security Committee, comprised of the entire Board of Directors, focused primarily on safety. This action demonstrates that the WMATA Board is embracing the idea that safety must be promoted at the top levels of an organization to ensure that all employees recognize its importance. My colleagues and I view these actions as a significant step forward in improving safety.

The Board will continue to work with WMATA to create and promote a strong and effective safety culture and implement the additional safety recommendations. If WMATA continues along this path it can regain the trust of its ridership, and re-emerge as a leader in the public transportation industry.

Thank you for inviting me to appear before you today. This concludes my remarks, and I am available to answer your questions.

**Collision of Two Washington Metropolitan Area Transit Authority Metrorail Trains Near Fort Totten Station
Washington, D.C.
June 22, 2009**

New Recommendations

To the U.S. Department of Transportation:

1. Continue to seek the authority to provide safety oversight of rail fixed guideway transportation systems, including the ability to promulgate and enforce safety regulations and minimum requirements governing operations, track and equipment, and signal and train control systems. (R-10-3)

To the Federal Transit Administration:

2. Facilitate the development of non-punitive safety reporting programs at all transit agencies to collect reports from employees in all divisions within their agencies and to have their safety departments; representatives of their operations, maintenance, and engineering departments; and representatives of labor organizations regularly review these reports and share the results of those reviews across all divisions of their agencies. (R-10-4)
3. Seek authority similar to Federal Railroad Administration regulations (Title 49 *Code of Federal Regulations* 219.207) to require that transit agencies obtain toxicological specimens from covered transit employees and contractors who are fatally injured as a result of an on-duty accident. (R-10-5)

To the Tri-State Oversight Committee:

4. Work with the Washington Metropolitan Area Transit Authority to satisfactorily address the recommendations contained in the Federal Transit Administration's March 4, 2010, final report of its audit of the Tri-State Oversight Committee and the Washington Metropolitan Area Transit Authority. (R-10-6)

To the Board of Directors, Washington Metropolitan Area Transit Authority:

5. Elevate the safety oversight role of the Washington Metropolitan Area Transit Authority Board of Directors by (1) developing a policy statement to explicitly and publicly assume the responsibility for continual oversight of system safety, (2) implementing processes to exercise oversight of system safety, including appropriate proactive performance metrics, and (3) evaluating actions taken in response to National Transportation Safety Board and Federal Transit Administration recommendations, as well as the status of open corrective action plans and the results of audits conducted by the Tri-State Oversight Committee. (R-10-7)

To the Washington Metropolitan Area Transit Authority:

6. Because of the susceptibility to pulse-type parasitic oscillation that can cause a loss of train detection by the Generation 2 General Railway Signal Company audio frequency

track circuit modules, establish a program to permanently remove from service all of these modules within the Metrorail system. (R-10-8)

7. Establish periodic inspection and maintenance procedures to examine all audio frequency track circuit modules within the Metrorail system to identify and remove from service any modules that exhibit pulse-type parasitic oscillation. (R-10-9)
8. Review the process by which Metrorail technical bulletins and other safety information are provided to employees and revise that process as necessary to ensure that (1) employees have received the information intended for them, (2) employees understand the actions to be taken in response to the information, and (3) employees take the appropriate actions. (R-10-10)
9. Completely remove the unnecessary Metrorail wayside maintenance communication system to eliminate its potential for interfering with the proper functioning of the train control system. (R-10-11)
10. Conduct a comprehensive safety analysis of the Metrorail automatic train control system to evaluate all foreseeable failures of this system that could result in a loss of train separation, and work with your train control equipment manufacturers to address in that analysis all potential failure modes that could cause a loss of train detection, including parasitic oscillation, cable faults and placement, and corrugated rail. (R-10-12)
11. Based on the findings of the safety analysis recommended in R-10-12 incorporate the design, operational, and maintenance controls necessary to address potential failures in the automatic train control system. (R-10-13)
12. Implement cable insulation resistance testing as part of Metrorail's periodic maintenance program. (R-10-14)
13. Work with the Tri-State Oversight Committee to satisfactorily address the recommendations contained in the Federal Transit Administration's March 4, 2010, final report of its audit of the Tri-State Oversight Committee and the Washington Metropolitan Area Transit Authority. (R-10-15)
14. Require that your safety department; representatives of the operations, maintenance, and engineering departments; and representatives of labor organizations regularly review recorded operational data from Metrorail train onboard recorders and the Advanced Information Management system to identify safety issues and trends and share the results across all divisions of your organization. (R-10-16)
15. Develop and implement a non-punitive safety reporting program to collect reports from employees in all divisions within your organization, and ensure that the safety department; representatives of the operations, maintenance, and engineering departments; and representatives of labor organizations regularly review these reports and share the results of those reviews across all divisions of your organization. (R-10-17)

16. Review the Hazard Identification and Resolution Matrix process in your system safety program plan to ensure that safety-critical systems such as the automatic train control system and its subsystem components are assigned appropriate levels of risk in light of the issues identified in this accident. (R-10-18)
17. Develop a formal process by which the general manager and managers responsible for Washington Metropolitan Area Transit Authority operations, maintenance, and engineering will periodically review, in collaboration with the chief safety officer, all safety audits and open corrective action plans, and modify policy, identify and commit resources, and initiate any other action necessary to ensure that the plans are adequately addressed and closed within the required time frame. (R-10-19)
18. Remove all 1000-series railcars as soon as possible and replace them with cars that have crashworthiness collision protection at least comparable to the 6000-series railcars. (R-10-20)
19. Ensure that the lead married-pair car set of each train is equipped with an operating onboard event recorder. (R-10-21)
20. Develop and implement a program to monitor the performance of onboard event recorders and ensure they are functioning properly. (R-10-22)

To Alstom Signaling Inc.:

21. Develop and implement periodic inspection and maintenance guidelines for use by the Washington Metropolitan Area Transit Authority and other rail transit operators and railroads equipped with General Railway Signal Company audio frequency track circuit modules and assist them in identifying and removing from service all modules that exhibit pulse-type parasitic oscillation in order to ensure the vitality and integrity of the automatic train control system. (R-10-23)
22. Conduct a comprehensive safety analysis of your audio frequency track circuit modules to evaluate all foreseeable failure modes that could cause a loss of train detection over the service life of the modules, including parasitic oscillation, and work with your customers to address these failure modes. (R-10-24)

To the Massachusetts Bay Transportation Authority, the Southeastern Pennsylvania Transportation Authority, the Greater Cleveland Regional Transit Authority, the Metropolitan Atlanta Regional Transportation Authority, the Los Angeles County Metropolitan Transportation Authority, and the Chicago Transit Authority:

23. Work with Alstom Signaling Inc. to establish periodic inspection and maintenance procedures to examine all General Railway Signal Company audio frequency track circuit modules to identify and remove from service any modules that exhibit pulse-type parasitic oscillation. (R-10-25)

Mr. LYNCH. I know that they have just called for a vote, so that is why the other Members are delayed, but I am going to ask the gentlelady from the District of Columbia, Eleanor Holmes Norton, to please take over the hearing, and I will run over and vote and come right back.

Thank you.

Ms. NORTON [presiding]. Thank you very much, Ms. Hersman.

Ms. Hudgins.

STATEMENT OF CATHERINE HUDGINS

Ms. HUDGINS. Thank you, Chairman Norton. Madam Chairman and members of the subcommittee, my name is Catherine Hudgins and I am honored to appear here before you today as the first vice chairman of the Board of Directors of the Washington Metropolitan Area Transit Authority, Metro.

I would like to speak first about improving safety, the top priority of Metro Board, and how we are currently addressing the NTSB recommendations. I would also like to address our current significant financial challenges, which relates directly to enhancing our state of good repair and operational reliability.

Above everything else, Metro must provide safe and reliable service. To this end, we have focused on three goals: build a new safety culture throughout the organization, from the Board to the general manager to the bus and rail operators, mechanics, and track walkers; two, invest in the equipment, facilities, and personnel needed to enhance safety; and, three, create the policies and procedures that enhance system safety. In doing so, we will restore public confidence in the safety and quality of our service and build trust among policymakers, legislators, and our stakeholders.

I know that these goals will not be achieved overnight. We are doing everything that we can to move Metro toward these goals.

On safety, safety is the top priority of Metro, for the Board, for Metro management, for all our staff from top to bottom. The Board intends to ensure that, to the best of our ability, each and every NTSB recommendation to Metro associated with its review of the June 22, 2009, accident is implemented.

Following the NTSB's July 27th recommendations, the Metro Board convened a special Board meeting in August, during which we heard directly from the NTSB about what we could do, both as a Board and Metro as a whole, to cultivate a safety culture. I greatly appreciate the thoroughness of the information that NTSB Chairman Deborah Hersman and her colleagues shared with us that day. Our Board heard what needs to be done, and has started taking specific actions to respond.

One week ago Metro Board's Customer Service Operations and Safety Committee voted to approve a change to our Board governance to establish a distinct Safety and Security Committee. The committee will be chaired by Mort Downey, who was appointed to our Board earlier this year by Federal Government as a voting member. The Customer Service, Operations, and Safety Committee also moved a new mission statement that clearly places safety at the forefront of the transit agency. The statement reads: Metro operates and maintains a safe, reliable, and effective transit system

that enhances mobility, improves the quality of life, and stimulates economic development in the metropolitan area.

Both actions taken in the committee last week must go to our full Board for adoption on September 30th. I assure this committee that my fellow Board members are wholeheartedly endorsing these changes.

In addition to these actions, the Metro Board has taken other steps to address NTSB recommendations. We have begun by dedicating \$30 million from our capital budget to assist in responding to NTSB's recommendations. On July 22nd the Metro Board approved Metro's revised whistleblower protection policy to encourage employees to raise safety-related concerns. And, finally, in July the Board approved a contract to replace the 1000 series cars, which are the oldest rail cars in the fleet, with the new generation 7000 series rail cars.

On Metro's financial situation, Metro faces the same financial issues which practically every other major transit system in the United States faces. In this period of economic decline, many of our revenue sources, such as advertising and fares, have decreased, and the funds available for our subsidies have declined. Transit becomes one of a number of vital services competing for funding with fewer resources available.

We are exceptionally pleased that our State and local partners have demonstrated a long history of strong financial support for this system. That strong support is continuing even in these tough economic times, as our jurisdictional partners have provided over half a billion dollars to support Metro operations in fiscal year 2011, an increase of 5 percent over fiscal year 2010, while many other local services are taking cuts.

I would like to wrap up and say that we are committed as a Board, and that as a Metro Board member, Madam Chairwoman, I would like to conclude and want to make sure that you understand that we are committed to moving people safely and reliably and comfortably. It is our mission, and it is the proud history of Metro.

[The prepared statement of Ms. Hudgins follows:]

Testimony of Catherine Hudgins, First Vice Chair of the Board
Washington Metropolitan Area Transit Authority
before the Subcommittee on Federal Workforce, Postal Service, and the District of
Columbia under the Committee on Oversight and Government Reform
U.S. House of Representatives
September 23, 2010

Mr. Chairman, Ranking Member Chaffetz, and members of the Subcommittee, my name is Catherine Hudgins, and I am honored to appear before you today as the First Vice Chair of the Board of Directors of the Washington Metropolitan Area Transit Authority (Metro). I would like to speak first about improving safety, the top priority of the Metro Board, and how we are currently addressing the NTSB recommendations. I would also like to address our current significant financial challenges, which relate directly to enhancing our state of good repair and operational reliability.

Above everything else, Metro must provide safe and reliable service. To this end, we have been focused on three goals: 1) build a new safety culture throughout the organization, from the Board to the general manager to the bus and rail operators, mechanics, and track walkers; 2) invest in the equipment, facilities, and personnel needed to enhance safety, and 3) create the policies and procedures that enhance system safety. In doing so, we will restore public confidence in the safety and quality of our service and rebuild trust among policymakers, legislators, and other stakeholders. I know that these goals will not be achieved overnight, but we are doing everything we can to move Metro toward achievement of these goals.

Safety

Safety is the top priority at Metro, for the Board, for Metro management, for all of our staff from top to bottom. The Board intends to ensure that, to the best of our ability, each and every NTSB recommendation to Metro associated with its review of the June 22, 2009 accident is implemented. Following the NTSB's July 27, 2010 recommendations, the Metro Board convened a special Board meeting in August during which we heard directly from the NTSB about what we could do, both as a Board and Metro as a whole, to cultivate a safety culture. I greatly appreciate the thoroughness of the information that NTSB Chair Deborah Hersman and her colleagues shared with us that day. Our Board heard what needs to be done and is taking specific actions in response.

One week ago today, Metro's Customer Service, Operations and Safety Committee voted to approve a change to our Board governance to establish a distinct Safety and Security Committee. This committee will be chaired by Mort Downey, who was appointed to our Board earlier this year by the federal government as a voting member. The Customer Service, Operations and Safety Committee also approved a new mission statement that clearly places safety at the forefront of the transit agency. The statement reads: "Metro operates and maintains a safe, reliable and effective transit system that enhances mobility, improves the quality of life, and stimulates economic development in the Washington metropolitan area." Both actions taken in committee last week must go to our full Board for adoption on September 30; I assure this Committee, that my fellow Board members wholeheartedly endorse these changes.

In addition to these actions, the Metro Board has taken other steps to address NTSB recommendations. We have begun by dedicating \$30 million dollars from our capital budget to begin to respond to the NTSB recommendations. Among our other actions:

- In July, the Board approved a contract to replace the 1000 series rail cars fulfilling Metro's top safety priority.
- To stabilize and strengthen the Office of Safety, the Board appointed a new Chief Safety Officer reporting directly to the General Manager, and further provided support to augment the safety staff. The Board of Directors receives monthly reports from the Chief Safety Officer, as well as quarterly reports from the Tri-State Oversight Committee (TOC).
- We have directed Metro's independent Inspector General to review regularly internal and external safety reports and progress that has been made in carrying out recommendations, and to report any delays or concerns directly to the Board.
- As mentioned during the April hearing, the Board requested assistance from the U.S. Department of Transportation, AFL-CIO and the American Public Transportation Association in changing Metro's safety culture. The organizations suggested that we engage experts in transportation safety to assist Metro in enhancing its safety culture. As a result, an external safety panel is hard at work and will make recommendations on how to create a true culture of safety in which safety is an inherent aspect of all activities, and will help us to implement those changes.

- As mentioned by Mr. Sarles, Metro has conducted a staff-wide survey to learn how safety is viewed by its own employees and to identify what difficulties employees have in enhancing safety. The response rate by employees was 97%.
- To make certain that employees feel comfortable in reporting safety concerns without punitive consequences, a safety hot line has been established for employees to report safety concerns. Additionally, in June the Board strengthened Metro's whistleblower protection policy to encourage employees to report safety concerns or near misses.
- A new Safety Measurement System has been developed that tracks safety concerns identified by staff and actions taken to deal with the issues raised, provides a comprehensive view of all safety-related incidents, tracks the progress of incident investigations and monitors the status of corrective actions.
- An internal task force has been established, which has reviewed and revised operating procedures to ensure that they stress safety while allowing the job to get done.
- Finally, the Board approved a multi-year capital budget, which focuses on safety, rehabilitation of facilities and replacement of equipment to ensure that the Metrorail and Metrobus systems are in a state of good repair.

Metro's Financial Situation

Metro faces the same financial issues which practically every other major transit system in the United States does: in this period of economic decline many of our

revenue sources, such as advertising and fares, have decreased, and the funds available for our subsidies have declined. Transit systems with dedicated sources of subsidy such as sales taxes have seen those funds decline and have had to cut staff, reduce service and increase fares, as well as defer capital projects in order to use those funds to fill operating gaps. Those which look to local governments to provide subsidies, as do we at Metro, find those governments dealing with lower tax revenues and the need to cut governmental services. Transit becomes one of a number of vital services that must be funded with fewer resources available. We are exceptionally pleased that our state and local partners have demonstrated a long history of strong financial support for this system. That strong support is continuing even in these tough economic times, as our jurisdictional partners have provided over half a billion dollars to support Metro operations in fiscal year 2011, an increase of 5% over fiscal 2010, while many other local services are taking cuts. In addition, state and local governments will contribute in excess of \$300 million to capital programs in fiscal 2011.

Turning to Metro's capital needs, as Metro has moved from being a new system to reaching the point at which we must invest substantially in the replacement of equipment and rehabilitation of infrastructure, our capital challenges have become similar to those of any other large, aging transit system. We have to replace our tracks, trains, and buses, and must rehabilitate our stations, bridges, and maintenance facilities. We have 30-year-old ventilation, lighting, and communications systems which must be maintained or replaced. Some of our station platforms are crumbling; our escalators and elevators need major repairs, and water is leaking into our tunnels. We

must do all of the work required while providing service to hundreds of thousands of customers daily.

Although there are some actions which can be taken managerially and operationally to improve the reliability of Metrorail and Metrobus, the most significant factor is investing in the facilities and equipment. Old equipment breaks down more often than new equipment and must be taken out of service for repair. Old facilities fail, sometimes requiring service disruptions until they can be repaired. Even assuming that the dollars needed for upgrading the facilities and equipment were available, the process of carrying out the enhancement program disrupts service and degrades reliability. We must do all we can to carry out our capital program to renew the system, but we must also be frank with our patrons: It will not be easy, and it will require inconveniences as we work.

We have been fortunate that our funding partners have demonstrated strong support on the capital side, just as they have done on the operating side. Over the last six years, they have provided Metro with \$525 million more than was needed to match federal funds. As a result, Metro was able to make a number of critical investments in its system.

Going forward, however, Metro needs increased investment to keep the system in a state of good repair. Metro's Capital Needs Inventory identifies investments totaling \$11.4 billion over the next ten years. This Committee led the charge for additional

Metro funding, the first installment of which was appropriated last year. That funding will go a long way toward helping us to meet our future capital needs if it is appropriated each year as authorized.

Our projected funding over the foreseeable future does not bring us where we need to be. Again, this is not unique to Metro. A study by the Federal Transit Administration (Rail Modernization Study, April 2009) found that the seven largest transit systems, including WMATA, currently have a backlog of state of good repair needs totaling \$50 billion. Going forward, the study concluded that these systems would need an additional \$5.9 billion per year so as not to fall further behind.

Our state and local funding partners are doing what they can to support our efforts to maintain our system in a state of good repair. The key to our ultimate success, however, rests with you and your colleagues in Congress and the Administration. Increased support for the state of good repair needs of older systems is essential in the next surface transportation authorization if we are to continue to be able to provide safe and reliable service.

Currently, the Administration has provided a vision for renewing the nation's transportation infrastructure, a plan that included a proposal to invest \$50 billion over six years in the nation's aging transportation systems. The proposal would fund a permanent infrastructure bank to leverage private, state, and local capital funds invested in transportation projects. This proposal demonstrates a commitment to

moving a multi-year transportation bill which is necessary to assist in maintaining transportation systems in a state of good repair.

Mr. Chairman, in conclusion, I want to assure you that we are committed to moving people – safely, reliably, and comfortably. It is a mission based on the proud history of Metro. Thank you for allowing me to testify today. I look forward to answering the Committee's questions.

Ms. NORTON. Thank you very much, Ms. Hudgins.
Mr. Sarles.

STATEMENT OF RICHARD SARLES

Mr. SARLES. Madam Chair, I thank you for the opportunity to testify before you today. I am Richard Sarles, general manager of the Washington Metropolitan Area Transit Authority.

In Metro there is no higher value than safety. I want this subcommittee and our riders to know that we recognize that our long-term success depends on our ability to build a safety culture that is dedicated to prevention and continual improvement.

What is being done?

First, as outlined during my testimony on April 21st to the Oversight and Government Reform Committee, I have developed and we have made significant progress in implementing a 6-month action plan to move Metro forward in addressing our greatest challenges, which I see as safety, service, reliability, and financial stability.

These are the fundamental areas that Metro has focused on for the past 5 months. A full update on each of them is in my written testimony, but I want to take the time today to highlight our progress to improve safety and our safety culture.

We have strengthened our safety department with a team that has more than 230 years of experience. Chief Safety Officer James Dougherty leads the team and reports directly to me, as well as provides monthly updates to the Board of Directors on our safety progress.

Metro has worked closely with the Tri-State Oversight Committee to develop corrective action plans in response to findings from both external and internal audits and investigations. We have closed 223 CAPs since 2004, currently 33 CAPs remain open. I have communicated to Metro staff that continuing to close CAPs is a top priority.

To give our employees the safety skills they need on the job, we have expanded safety training throughout the organization.

Our commitment to a new safety culture cannot be accomplished without a financial commitment. The WMATA Board anticipated this by including \$6.9 million in Metro's operating budget to address audit FTA recommendations. The Board also established a \$5 billion 6-year capital plan, the largest capital budget since the completion of the rail system, to ensure that we can make needed equipment and infrastructure safety and state of good repair improvements.

While we work on reinforcing our safety culture, we have taken action to comply with NTSB recommendations.

Now I would like to turn to the work we are doing to respond to each of the recommendations associated with the June 22nd accident.

First, parasitic oscillation. We have already replaced track circuit modules, at 34 of the 103 locations, and are developing plans to replace the remaining track circuit modules. We are increasing the frequency of our inspections, and the loss of shunt review will continue twice daily until the testing is completed on the real-time alert system.

Next, improving internal communications. We initiated a cross-functional committee to develop procedures for clear communication and to document receipt of all technical bulletins and other safety-related information.

Next, wayside communications. We are identifying all locations throughout the rail system where unnecessary wayside communication equipment exists, and are developing a plan to disable and/or remove it.

Next, safety analysis. We have retained an independent firm to perform a rigorous safety analysis of the automatic train control system and provide recommendations. Once the analysis is complete, we will address the recommendations.

Next, cable installation resistance testing. Test procedures and standards are in development and should be read in November 2010.

Next, Federal Transit Administration final report. All FTA findings related to Metro were addressed and the FTA has reviewed and accepted the proposed actions. now we will complete those actions.

Next, operational data on onboard recorders. The review of operational data from onboard event recorders will be incorporated into monthly senior staff meetings. Local 689 Union representatives will be invited to participate.

Next, non-punitive safety reporting program. We established an anonymous hotline, reinforced our whistleblower policy, and we have started discussions with Local 689 on a non-punitive near-miss reporting program.

Next, hazard identification, hazard management. Metro's Executive Safety Committee has started reviewing safety audits and open corrective action plans. Removal of 1000 series cars—on July 26th, we awarded a contract to replace the 1000 series cars.

Installation and maintenance of on-board event recorders. A plan has been developed to equip and maintain the 4000 and 1000 series cars with onboard event recorders.

In conclusion, Madam Chair, at Metro there is no higher value than safety. We want riders to know that we recognize our long-term success depends on our ability to change our safety culture to one dedicated to prevention and continuing improvement. Establishing a new safety culture in this fundamental way will require enduring consistent commitment, from the top all the way through the organization. The change will take years to become ingrained, but we have begun putting the foundation in place.

In the last year, Metro has faced a number of challenges, and there are more to come, but we have also forged better partnerships with the agencies that provide safety oversight, and with their help and the leadership of our Board, we are on a path to continuing improvement of safety and service reliability.

[The prepared statement of Mr. Sarles follows:]

Testimony of Richard Sarles, General Manager
Washington Metropolitan Area Transit Authority
before the Subcommittee on Federal Workforce, Postal Service, and the District of
Columbia under the Committee on Oversight and Government Reform
U.S. House of Representatives
September 23, 2010

Mr. Chairman, Ranking Member Chaffetz, and members of the Subcommittee, thank you for the opportunity to testify before you today. I am Richard Sarles, General Manager of the Washington Metropolitan Area Transit Authority, known as WMATA or Metro.

Today at Metro there is no higher value or priority than safety. We have taken dozens of actions just in the last year, to improve safety for our customers and employees. Five months ago, when I appeared before the Oversight and Government Reform Committee, I reported on our six month plan to move Metro forward to improve safety, service reliability, and our financial stability. Today I want to update you on our progress.

I will also address the progress that Metro has made in response to the comments, findings and recommendations of the National Transportation Safety Board regarding the June 22 accident. Upon receiving the recommendations, we immediately began work to follow up on every recommendation.

But first, I'd like to turn to our Six Month Plan and take you through the actions on each of our priorities, beginning with safety.

Safety

1. **Fill remaining safety department vacancies and increase training.** James M. Dougherty was appointed Chief Safety Officer for Metro effective April 19. Reporting directly to me, he oversees the Department of System Safety and Environmental Management, which includes all safety involving passengers, vehicles, the environment and health and training. Since joining Metro, he has strengthened the safety team by increasing the safety staff by 12 positions for a total of 43. SAFE is staffed by highly skilled individuals with diverse backgrounds with over 230 years of safety experience. The department includes registered Professional Engineers, Associate Safety Professionals, Certified Safety Professionals, a Certified Safety and Security Director, and Senior Associate Staff Instructors for the Transportation Safety Institute (TSI). On average, SAFE personnel have nearly 17 years of transit experience, nearly 10 years of safety experience, and 13 years of experience working for WMATA – providing the department with a strong depth of institutional knowledge for WMATA's system.

It is a testament to Mr. Dougherty's industry leadership that he was appointed along with Ms. Jackie Jeter (President of Local 689) to the U.S. Department of Transportation's (DOT) Transit Rail Advisory Committee for Safety (TRACS) which will provide information, advice, and recommendations to the Secretary of Transportation and the FTA Administrator on matters relating to the safety of U.S. public transportation systems and activities.

We offered five training courses taught by the Training Safety Institute (TSI) ranging in duration from two to five days. The courses have afforded training to 220 Metro employees between May and September, 2010.

Additionally, seven TSI courses have been added for 2011.

2. **Continue accelerated close-out of open safety-related audit findings.** With the approval of the Tri-State Oversight Committee (TOC), Metro developed Corrective Action Plans (CAPs) in response to findings from both external and internal audits and investigations. Metro has closed 223 CAPs since 2004, with the rate of closure increasing significantly in recent months. Currently 33 CAPs remain open. I have communicated to Metro staff that continuing to close CAPs is a top priority.
3. **Develop incident tracking and safety management reporting system.** We are taking advantage of improvements in technology and developed the Safety Measurement System (SMS) which is a web-based tool to allow for communication of safety-related information and tracking across departments. SMS went live for Bus operations on July 1, 2010; training for the rail division has started this month and is on track for all other divisions by the beginning of November.
4. **Encourage near-miss reporting, including anonymous hotline and strengthened whistleblower protection.** We have established a safety hotline and safety email address through which employees are encouraged to report safety concerns, anonymously if desired. Also, the Metro Board on July 22, approved Metro's revised whistleblower protection policy to encourage

employees to raise safety-related concerns. We have also started working with our largest Union, Local 689, to develop a non-punitive program to report near misses.

5. **Complete new right-of-way worker protection manual and revisions to Metrorail Safety Rules and Procedures Handbook (MSRPH).** On August 24, 2010, Chief Safety Officer James Dougherty, Deputy General Manager Dave Kubicek, and I officially signed the agency's new Roadway Worker Protection (RWP) Manual, making it Metro's primary guide for safe operations along the tracks, which is commonly referred to as the "roadway." Also, a revision to the Metrorail MSRPH has been completed. Training for both programs will begin later this fall.
6. **Complete self-assessment of safety-related internal controls and conduct thorough assessment of safety culture.** We intend to complete multiple self-assessments in safety-related areas, the first of which is focused on internal controls. The Internal Safety Audit (ISA) began on May 17, 2010 and will be completed within the next week. We have also conducted a survey of all Metro employees entitled "Safety Cultural Diagnostic Survey" to provide an analysis on Metro's safety culture and after-survey action plans, guidance, and tools for addressing safety challenges. Over 97% of employees completed the survey with a final report to be delivered by September 30, 2010. Finally, we are launching a new cross-departmental Safety Action Team to assist in identifying and addressing safety concerns. The first initiative of the team is to find ways to improve communications with all front-line employees.

Service Reliability

The quality of our customers' experience is the key to the continued success of our system. We are taking steps to improve the on-time performance of all of our modes -- Metrorail, Metrobus, and MetroAccess -- as well as the availability of our elevators and escalators which have a very direct impact on the quality of our customers' trips.

In April, I identified the following actions in the six month plan to improve service reliability:

- 1. Increase training for front-line employees and supervisors.** In May Metro implemented a new biennial recertification process for station managers. The two-day curriculum, with practical and written exams, includes elements such as dealing with difficult customers, emergency response training, first aid and CPR. We have also implemented revised 30-, 60-, and 90-day training performance reviews for newly certified train operators and station managers to ensure that they are meeting our standards for safe operations and customer service and to provide us with an on-going source of review regarding the effectiveness of our training programs.

We continue to emphasize training related to the reorganization of our bus department, designed to improve management of operators, reduce accidents, and improve service. Finally, in conjunction with the new RWP Manual, we have begun to pilot a new training program with classes starting October 4.

- 2. Create transparent performance tracking & reporting systems.** New performance measurement tools have been developed, including web-based dashboards, a monthly vital signs report of key performance indicators, and an annual performance report to assess what is working well, what is not, and why. The first Vital Signs Report was presented to the Board on June 10, 2010 and has been posted on the internet to foster increased accountability and transparency.
- 3. Revise inspection and maintenance procedures to accommodate changes in operations.** As in the area of safety, our rules and procedures for inspections and maintenance need to be clear and relevant for our current operating environment. To date, all bus, rail, and MetroAccess inspection and maintenance procedures have been updated and inspections are ongoing.
- 4. Pilot Metrorail schedule adjustment on Red Line.** We have evaluated ways of improving service reliability through our schedules and implemented the first adjustment on the Red Line in June to improve service reliability and the quality of the customers' experience. The new schedules reflect reality and allow for more time for customers to board and exit the trains at our busiest stations, and we have more 8-car trains running to the ends of the line.
- 5. Initiate external assessment of elevator/escalator maintenance and repair programs.** With regard to vertical transportation (i.e. elevators and escalators), WMATA has 588 escalators located throughout its system. Many of them are over 30 years old and working under ridership levels that were not contemplated when they were originally installed. Throughout the years, the

escalators have been subjected to extreme conditions and have not been kept in a state of good repair. What customers are experiencing today results from these factors.

The situation is exacerbated because some escalators are one-of-a-kind and the original manufacturers are no longer in business. To repair and maintain them, we need to search for available parts or even re-manufacture them — a step that can add considerable time to the repair process. Additionally, while we do maintain an inventory of some key components, we cannot always know which parts need to be replaced until an escalator has been dismantled.

To address the situation, we have done the following:

- Brought a fresh eye outside expert in to complete an assessment of the escalator and elevator maintenance program.
- As part of the major Red Line and Blue/Orange Line rehabilitation projects, we will rehabilitate 146 escalators, replace nine and also rehabilitate 31 elevators. The Red Line rehabilitation started in 2009 with completion in 2013 and the Blue/Orange Line rehabilitation will continue for the next several years.
- Complete the rehabilitation of the 2 platform escalators at Bethesda by the end of October.
- Dedicated nearly \$5 million in the capital budget to repair escalators at Wheaton and Dupont.

- Established rapid response teams and consolidated management within Metro for accountability.

As we work to bring all of WMATA's escalators to a state of good repair, customers will continue to see escalators out of service, because we will still perform routine maintenance and inspections. We understand that this work can seriously inconvenience customers, but the work is essential to bringing the entire system to a good state of repair and maintaining it, and we appreciate our customers' patience.

6. Continually re-emphasize safety and state of good repair as top priorities.

Maintaining vehicles, track, structures, signals, and other infrastructure in a state of good repair has a direct impact on the safety and reliability of the Metro system, as it does for every transit agency in the country. If Metro's system is allowed to degenerate, issues related to service reliability will increase. The most effective action we can take to improve reliability is to improve the physical condition of our system.

For Metrobus, we have replaced 139 of the 148 older buses, with 9 remaining buses to be delivered by the end of the month. With newer vehicles we expect fewer equipment failures, leading to improved service delivery. With each new bus delivered a 15 year old bus is taken out of service. In fact, for the months of June and July, Metro achieved the best Mean Distance Between Failure (MDBF) rate for those months in Metrobus history. Metro achieved a MDBF of 6,578 miles in June, a 30 percent improvement from June 2009, and a MDBF of 6,670 mile in July, a 26 percent improvement from July 2009.

We have also reorganized our bus transportation division, retrained operators and supervisors, and increased supervision of street operations to better monitor and address service reliability issues. We have implemented NextBus, which provides customers with real-time bus arrival information by phone or online, and have created a new on-line service disruption notification for bus customers.

For MetroAccess drivers, we have developed and begun to implement a pilot training program conducted by classroom instructors utilizing techniques for adult learners and interactive video to achieve training consistency and improve performance. Also, MetroAccess dispatchers will receive enhanced training on trip movement and MetroAccess road supervisors will receive safety and trip monitoring training. We have also installed DRIVECAM in all dedicated MetroAccess vehicles and signed a contract to install the safety system on Metrobuses to help serve as a teaching tool and monitor for bus and MetroAccess vehicle operators.

Financial Stability

Now let me turn to a topic which is integrally related to our ability to improve service reliability – Metro's financial stability. Vice Chairwoman Hudgins' testimony provides some background on Metro's funding sources and outlines some of the challenges that we face over the long-term. I would like to focus this part of my testimony on the specific steps we are taking to gain better financial stability.

In April, I set out to accomplish the following objectives related to financial stability:

1. **Educate policymakers, customers, and members of the public about their role in funding Metro.** In order to continue the type of regional conversation that I believe must take place about Metro's financial future, we must ensure that everyone shares a common understanding of how Metro is funded. To this end, Metro held six public hearings around the region from March 22 through April 1, 2010, at which 1,842 people either testified or provided written comments about how to close the FY11 budget gap. We also received 3,633 completed on-line questionnaires. Overall, the message that we heard from the public was: do not cut service; get a larger contribution from the federal, state, and local governments; and raise fares if you have too. We clearly heard at the public hearings, that when we raise fares or reduce service, we have a direct impact on the people we serve every day, on their ability to get to work, school, medical appointments, and recreational opportunities. In addition to public input, Metro received and incorporated comments from the Riders' Advisory Council, Jurisdictional Coordinating Committee, and the ATU Local 689.
2. **Implement Board-approved FY2011 operating budget.** Metro's fiscal year 2011 budget, which was approved in June is composed of a \$1.4billion operating budget, which funds daily transit service (including personnel costs, fuel and propulsion costs, etc.) and a \$1 billion capital budget, a first in many years. In the end, Metro developed a balanced budget that reflects input from

all of our stakeholders. As I have discussed, the budget included job cuts, fare increases, and subsidy increases to fill the \$189M budget gap.

3. **Manage transition from Metro Matters capital funding agreement to next capital funding agreement.** Over the last six years, Metro has funded its capital program through a multi-year agreement with our jurisdictional partners, known as Metro Matters. The stable funding stream provided by Metro Matters allowed us to begin addressing our backlog of state of good repair needs, which included the replacement of 767 Metrobuses to reduce the age of our fleet from over 10 years to less than 8 years. It also allowed us to begin addressing capacity needs with the procurement of 122 new Metrorail cars, expansion of rail yard maintenance and storage facilities, and upgrades to power systems to run 8-car trains.

Over the past year, Metro and our jurisdictional partners negotiated a funding agreement to succeed Metro Matters. That agreement allows Metro to address some portion of the highest priority projects from among more than \$11 billion in capital needs that we have identified over the next ten years. The new capital funding agreement has been signed by Metro's funding jurisdictions and provides a framework for greater accountability and more effective project management.

4. **Continue efforts to secure alternative financing.** Given our funding constraints, we are compelled to re-think our priorities and consider alternative financing. We have submitted a competitive letter of interest in seeking participation in the U.S. Department of Transportation's TIFIA Credit Program

which provides credit assistance in the form of direct loans, loan guarantees, and standby lines of credit to finance surface transportation projects of national and regional significance.

5. **Initiate a discussion with regional and federal stakeholders on Metro's long-term fiscal outlook to identify both challenges and solutions.** Fiscal year 2011 likely will be the most difficult year, financially speaking, that Metro has ever faced. The economic slowdown is having a continued impact on Metro, as it is across the country. For the transit industry as a whole, the slowdown has meant that ridership and revenue are down, while costs continue to go up.

For Metro, the austere economic times are a major contributor to a decline in ridership from previous years. This constraint has also required Metro to limit our capital investment for the next six years to only the most critical, "must-do" safety and system maintenance projects, even with the new dedicated funding authorization.

As Metro faces these constraints, it must also prepare for the future in which we are anticipating ridership growth of 20% over 10 years. These facts provide the beginnings of conversations that we expect to have with many stakeholders over the next several months.

Now I would like to turn to the work we are doing to respond to each of the NTSB recommendations associated with the June 22 accident.

Update on NTSB Recommendations

On July 27, 2010, I, Vice Chair Hudgins, and members of Metro's executive leadership team were in attendance, listening carefully to the NTSB board meeting proceedings to gain a full understanding of the findings and recommendations. Immediately following the NTSB board meeting, we set out to address each of the 16 recommendations. Within 24 hours of that meeting, I assembled Metro's senior leadership team and have met with them regularly since then to begin work on each and every recommendation; which I will outline for you now.

First, with respect to the recommendations for the Metro Board to revise policies and processes to further codify and improve safety oversight, Metro's Customer Service Operations and Safety Committee has recommended that the full Board of Directors establish a Safety and Security Committee and that the Board also adopt a new mission statement that clearly places safety at the forefront of the transit agency. Additionally, as directed by the WMATA Board, the Chief Safety Officer reports monthly to the Board on safety progress to date, including responsiveness and compliance with safety oversight agencies. With respect to the other recommendations, the following summarizes our actions.

1. **Parasitic Oscillation.** The NTSB made two recommendations intended to reduce the potential of parasitic oscillation in track circuits. We have already replaced track circuit modules at 34 locations and are in the process of replacing an additional 8 locations of the 103 total locations. Metro has begun implementing the plan to complete the remaining locations. We will increase

the frequency of our inspections on audio frequency track circuit modules within the rail system from annual to quarterly inspections. We will continue the loss of shunt review twice daily until the testing is completed on the real-time alert system, and we can implement it before the end of the year.

2. **Improving Internal Communications.** In response to a recommendation to improve the dissemination of safety-related information, we have developed a cross-functional committee that is currently developing procedures that ensure clear communication and that receipt of all technical bulletins and other safety-related information is documented. We will begin to put these procedures in place within the next 30 days. In the meantime, safety related information is disseminated to all metro employees via email. I have requested that supervisors review the information with their staff.
3. **Wayside Communications.** The NTSB recommended that Metro remove unnecessary communication equipment along the wayside that might interfere with the automatic train control system. We are currently working to identify all locations throughout the rail system where unnecessary wayside communication equipment exists, and are developing a plan to disable and/or remove it.
4. **Safety Analysis.** There are two recommendations related to the Automatic Train Control system: to conduct a complete analysis of foreseeable failures and to address the findings of that analysis. With the Board's approval, we have retained an independent firm to perform a rigorous safety analysis of the automatic train control system and provide recommendations to address

potential failures identified as a result of the analysis. We are presently working to develop the scope, schedule and budget for the project.

5. **Cable Insulation Resistance Testing.** The NTSB also recommended that cable insulation resistance testing become part of our periodic maintenance requirements. A schedule is being developed to perform nightly cable insulation resistance testing as part of a larger comprehensive cabling maintenance review.
6. **Federal Transit Administration Final Report.** The NTSB recommended that we, in cooperation with the Tri-State Oversight Committee, address the findings of the March 4, 2010, FTA audit. I am pleased to report that we have submitted our initial response from the recent Federal Transit Administration audit to the Tri-State Oversight Committee in April and provided an update on our activity to the Tri-State Oversight Committee and Federal Transit Administration's Office of Safety and Security during the first week of August. All Federal Transit Authority audit findings related to Metro were addressed and labeled as "open acceptable" by FTA officials, which means the FTA has reviewed and accepted the proposed actions.
7. **Operational Data on On-Board Recorders.** An additional recommendation was that we review data from on-board recorders in trains and the Advanced Information Management system. Senior staff meets monthly to review data on reliability, maintenance and engineering, and then to develop trend analyses. We will include a review of the data from on-board recorders installed on rail cars in these meetings. Local 689 union representatives will also be invited to

participate in the meetings. A plan has been developed for installation of Federal Railway Administration compliant event recorders on the remaining 400 railcars which are not currently equipped.

8. **Non-Punitive Safety Reporting Program.** The NTSB recommended the establishment of a non-punitive safety reporting program to collect incident reports from across Metro and share the review of those incident reports across the entire organization. As mentioned earlier we have initiated discussions with Local 689 to establish a procedure and program for the reporting of near misses without punitive consequences.
9. **Hazard Identification & Hazard Management.** The NTSB made two recommendations related to the evaluation of risk and the mitigation of risk through corrective actions. In September, Metro's Executive Safety Committee, which was previously established as the Standing Safety Executive Committee, reviewed hazard identification and hazard management. This process is included in the System Safety Program Plan. Further, as part of its monthly meetings, the Executive Committee has begun reviewing safety audits, open corrective action plans and takes the necessary steps to adequately address the corrective actions in a timely manner.
10. **Removal of 1000 Series Cars.** The NTSB recommended that Metro remove the 1000 series rail cars from service as soon as possible and replace them with rail cars that are comparable to the 6000 series rail cars in terms of crashworthiness. In July, our Board of Directors approved a contract to replace

the 1000 series cars, which are the oldest cars in the fleet, with new generation 7000 series rail cars.

11. Installation and Maintenance of On Board Event Recorders. The final two recommendations called for ensuring that the lead married-pair rail car set in each train has an operating on-board event recorder, and that we develop a maintenance program for our on-board recorders. We are developing a plan to equip the 4000 and 1000 series cars with onboard event recorders. The 2000, 3000, 5000 and 6000 series cars are already equipped with event recorders. The enhanced maintenance criteria of the on-board event recorders will be incorporated in the preventative maintenance and inspection process beginning in November.

In the coming years, Metro faces a number of challenges and we appreciate that the Metro Board has already dedicated more than \$30 million over the next three years in our capital budget to begin addressing the NTSB recommendations enumerated at their July 27, 2010 board meeting. We now know preliminary cost estimates to initiate response to these NTSB recommendations will be at least an additional \$150 million dollars. This estimate does not include any costs that will be required to respond to some specific recommendations. For instance, the NTSB has recommended that Metro conduct a comprehensive safety analysis of the Automatic Train Control system and secondly, based on that safety analysis, that Metro incorporate the design, operational and maintenance controls necessary to address potential failures of the ATC system. Our preliminary cost estimates include funds to

perform the safety analysis but until the analysis is complete, we will not be able to determine the costs to address the findings of the analysis.

Conclusion

Mr. Chairman and members of the subcommittee, I would like to conclude by saying that at Metro, there is no higher value than safety. We want riders to know that we recognize that our long-term success depends on our ability to change our safety culture to one dedicated to prevention and constant improvement. Reorienting our safety culture in this fundamental way will require enduring, consistent commitment, from the top all the way through the organization. The change will take years to become engrained, but we have begun putting the foundation in place.

Our commitment to a new safety culture cannot be accomplished without a commensurate financial commitment. The WMATA board anticipated this by including a \$5 billion six-year capital spending plan, the largest capital budget since the completion of the rail system, to ensure we can make needed equipment and infrastructure safety improvements. More specifically, the board dedicated more than \$30 million over the next three years as well as \$835million for replacement of the 1000 series cars in Metro's capital budget to address recommendations received from the NTSB.

In the last year, Metro has faced a number of challenges, and there are more to come. But we also have forged better partnerships with the agencies that provide safety oversight such as the NTSB and the TOC. With their help, and the continued

leadership of our board, we are on a path to continual improvement of safety and service reliability.

Thank you for the opportunity to testify today. I would be happy to respond to any questions.

Ms. NORTON. Thank you, Mr. Sarles.
Mr. Bassett.

STATEMENT OF MATTHEW BASSETT

Mr. BASSETT. Good afternoon, Chairman Norton. On behalf of the Tri-State Oversight Committee, thank you for the opportunity to discuss the ongoing challenges and recent improvements to the Washington Metropolitan Area Transit Authority's rail safety efforts.

Since our committee last testified on April 21st, both WMATA and the TOC have made significant progress in addressing safety shortcomings noted by Congress, the National Transportation Safety Board, the Federal Transit Administration, and the riding public. These entities have been steadfast partners in making the system safer.

This May, the Governors of Maryland and Virginia and the mayor of the District of Columbia committed to increasing TOC funding, providing full-time staffing, and ensuring access for TOC members to immediately raise safety concerns to State transportation leaders. This led to the creation of the TOC Executive Committee, a working group which meets regularly to provide guidance and policy direction for the TOC.

In July, Maryland hired a full-time TOC member, Mr. James Benton, who brings with him more than two decades of experience in rail car maintenance and rail operations from the Maryland Transit Administration. The District of Columbia is also in the hiring process for a full-time TOC member.

On July 27th, TOC received NTSB's recommendation in response to the June 22, 2009, Fort Totten collision to fully address the Federal Transit Administration's March 2010 audit findings. We are committed to doing so and continue to work with FTA on this task, as well as WMATA.

This summer TOC completed our triennial safety and security review of WMATA's rail operations. TOC members and consultants spent 3 weeks working with WMATA staff inspecting facilities and equipment, interviewing workers, and conducting an exhaustive document review. We planned to publish this document on our recently revamped Web site, [Web page here] by October 9th.

On September 13th the TOC Executive Committee revised the TOC memorandum of understanding, which provides our authority and operating framework. The revised MOU responds to concerns identified by FTA, the NTSB, and Congress by providing additional authority to the TOC chair and allowing the Executive Committee to take any action permitted by law, including suspending State capital funding, in the unlikely event that all options to resolve TOC safety concerns have been exhausted.

Since the arrival of WMATA interim general manager, Richard Sarles, the TOC has been pleased to note that safety has been placed not just at the forefront of WMATA's rhetoric, but of their efforts, as well. His regular presence at TOC meetings, safety performance metrics, and long overdue restructuring of the WMATA Executive Safety Committee have guided a comprehensive response to the system's safety challenges. He has also hired several safety experts, including James Dougherty as chief safety officer.

The Safety Department is investing in new systems and processes to streamline their investigations, resolve open corrective actions, and improve their auditing capacity. A good example of this new approach is the recent completion of WMATA's roadway worker protection [RWP] Manual, which leadership recently signed into effect. By bringing together safety, operations, labor, and management employees, as well as soliciting input from outside agencies and experts, WMATA has created a comprehensive document that will improve safety on the tracks.

WMATA also recently revised their rule book, complying with longstanding TOC and NTSB recommendations, and acknowledged the need to develop a non-punitive safety reporting system, although this essential step remains a work in progress.

Yet, despite advances, WMATA's organizational culture must become willing to show their work. A recent example came July 4th weekend, when WMATA removed all 4000 series rail cars after technicians discovered a potential fault that could allow train doors to open during movement. There is no question that WMATA's immediate response was the safest course of action, but our attempts to learn more were delayed.

On July 6th we asked for more information about this decision and for any procedure for the door repairs, and received conflicting answers. Twenty days later we received a copy of the full procedure, learning it had been in effect since 3 days after our original request. Our request for information about the reasoning behind this decision took even longer.

Our difficulty in obtaining information during the process just demonstrates that our need for timely and accurate information must become a high priority.

WMATA faces real challenges to the goal of becoming America's rail transit safety leader; however, they can promote transparency, empower the safety department, hold managers accountable for safety goals, and improve hazard communication, as has begun. It will grow safer, smarter, and stronger as an agency.

Continued engagement on the part of the Congress, the FTA, the NTSB, and the riding public, as well as the TOC in our State safety oversight role, will be crucial to their success in sustaining their progress.

Thank you for your time. I look forward to answering any questions you may have.

[The prepared statement of Mr. Bassett follows:]

September 23, 2010

**Written Testimony of Matt Bassett, Tri-state Oversight Committee (TOC) Chairman
Before the House of Representatives, Committee on Oversight & Government Reform
Subcommittee on Federal Workforce, Postal Service & District of Columbia Oversight**

1. Introduction

Chairman Lynch, Ranking Member Chaffetz and distinguished members of the Subcommittee on Federal Workforce, Postal Service and District of Columbia Oversight, good afternoon. On behalf of the Tri-state Oversight Committee, thank you for the opportunity to discuss the ongoing challenges and recent improvements in the Washington Metropolitan Area Transit Authority's rail safety efforts.

Since our committee last testified before Congress on April 21st of this year, both WMATA and the TOC have made significant progress in addressing safety shortcomings accurately noted by Congress, the National Transportation Safety Board, the Federal Transit Administration and the riding public. These organizations have been steadfast partners in making the Metrorail system safer, and we appreciate their continued interest and engagement.

The progress I note is visible in two broad areas. First, the TOC has transformed our method of doing business, increasing our access to funding, executive leadership and full-time personnel. Second, WMATA has initiated an aggressive program to develop a true safety culture by taking a clear-eyed look at the current operating environment, developing new safety performance metrics, redirecting capital funds to address NTSB recommendations and providing unprecedented resources for the Safety Department. We applaud WMATA's actions in these areas; however, the TOC remains concerned about continued difficulties in exercising our safety oversight duties over WMATA.

2. TOC Accomplishments

As you know, on April 20th, 2010 the TOC issued a proposal for enhancing safety oversight over the Metrorail system that has been put into action by the Governors of Maryland and Virginia and the Mayor of the District of Columbia. These leaders committed, among other things, to raise the TOC funding level, provide full-time and supplemental staffing, and ensure access for TOC members to immediately raise rail safety concerns to state transportation leaders. This has, in particular, led to the creation of the TOC Executive Committee, a working group of the Secretaries of Transportation from Maryland and Virginia as well as the DC Director of Transportation, which meets regularly to provide guidance and policy direction for the TOC.

In addition to raising the annual level of TOC funding (which has supported special evaluations of safety issues like the 4000-series door problem) the high-level policy support afforded to the TOC by the Executive Committee has instituted an unprecedented level of situational awareness and executive communication with WMATA and other stakeholders. For example, while the report of a track-circuit problem near the Wheaton Red Line station was ultimately determined to be unfounded, the TOC Executive Committee transmitted a letter expressing their concerns to the WMATA General Manager within 48 hours.

In July, TOC brought its second full-time member on board. Maryland TOC member James Benton brings with him more than two decades of experience in railcar maintenance and rail transit operations from the Maryland Transit Administrations Light Rail and Metro subway operations in Baltimore. His expertise has proven invaluable in responses to several incidents and reported hazards in the last six months, and he has become a regular presence in the field, at WMATAs rail yards, rights-of-way and work sites. The District of Columbia is also hiring a full-time TOC member, with the position actively advertised in several publications.

On July 27th, the TOC attended the NTSB's public meeting in which they formalized the final report for the June 22nd, 2009 Fort Totten Red Line collision. We are fully committed to addressing the NTSB's recommendation to our committee, entitled R-10-7, which asks that we work with WMATA to fully address the recommendations of the Federal Transit Administration's March 4th, 2010 final audit report. We have already met with FTA and WMATA to provide documentation and explanations of our actions to meet this objective, and look forward to continuing our work to address both the FTA's and the NTSB's concerns.

Between June and August, the TOC completed the on-site and written portions of our Triennial Safety and Security Review of WMATA's rail operations. This review, mandated by 49 CFR Part 659, assessed WMATA's compliance with all aspects of its rail safety, security and emergency preparedness programs. A team of TOC members and technical consultants spent three weeks working with WMATA staff, as well as invited federal observers, evaluated whether WMATA was in compliance with its own plans and procedures, inspected facilities and equipment, interviewed personnel from all levels of the agency and conducted exhaustive document review. The final report for our Triennial Safety & Security Review will be made public after the TOC can evaluate comments on the draft report submitted by WMATA, and we anticipate publication of that report on our website within the next two weeks.

On September 13th, the TOC Executive Committee signed a revision to the Memorandum of Understanding between Maryland, Virginia, and the District of Columbia that governs the TOC. This document, which originally established the TOC in 1997, provides us authority and an operating framework by which we develop safety programs and standards. The revised MOU responds to the concerns identified by FTA in their March 4th, 2010 audit report, as well as those noted by the NTSB in their final accident report on the June 22nd collision. Specifically, it affords additional executive authority to the TOC Chair to take immediate action, formalizes reporting relationships with the WMATA Board of Directors, and formalizes the role of the TOC Executive Committee created by the two member Governors and Mayor and establishes a process for regular high-level dialogue between it and the TOC. The revised MOU also codifies the commitment of the TOC and the TOC Executive Committee to take any action permitted by law, including the delay, suspension, or cancelling of capital funding to WMATA in the unlikely event that all other options to resolve issues between TOC and WMATA have been utterly exhausted.

TOC has migrated its website from the DC DOT server to an independent site with an easier-to-remember address. www.tristateoversight.org has become a vital tool in our efforts to communicate with the public, address media inquiries, post updates on our activities, and share key documents on how we oversee rail safety at Metro. TOC is also working to establish its own office space for its staff to work and meet collectively.

3. WMATA Accomplishments

Since the arrival of WMATA Interim General Manager Richard Sarles, the TOC has been pleased to note that safety has been placed not just at the forefront of WMATAs rhetoric, but of their efforts as well. It came as a welcome change of pace when, in an initial meeting with Mr. Sarles, he set out specific monthly goals for the closure of open safety Corrective Action Plans, or CAPs. His regular presence at TOC meetings and long-overdue restructuring of the WMATA Executive Safety Committee have helped guide a comprehensive response to the many safety challenges the TOC is working with Metro to address.

Mr. Sarles hiring of James Dougherty as Chief Safety Officer, as well as a number of new safety experts with experience at systems like the Long Island Railroad and Amtrak, has completely reshaped Metro's rail safety program. Rather than the traditional public-sector mantra of being asked to do more with less, the Safety Department is now being asked to do much more with more. Support from technical consultants, a comprehensive employee survey assessing views on safety and safety culture, and (perhaps most of all) a robust and consistent flow of communication between the Chief Safety Officer and General Manager all constitute praiseworthy accomplishments.

Instead of focusing the bulk of their efforts on addressing worker's compensation cases or occupational safety, the Safety Department is now investing in new systems and processes to streamline their accident investigations, resolve open corrective actions, and improve their ability to audit for safety issues internally. The Safety Department has taken a significant step forward in clarifying its authority over all accident investigations, including on-scene decisions. Furthermore, this new business model has allowed for collaboration across WMATAs operating departments, incorporating the Safety Department into projects and decisions that might previously have been made without them.

A good example of this new approach is the recent completion of WMATA's new Roadway Worker Protection, or RWP Manual. In our special audit of December 2009, the TOC identified a number of systemic faults in WMATAs procedures and practices for keeping its track workers safe, and only a few weeks later two track workers tragically lost their lives in an accident on the rails near Rockville, Maryland. WMATAs response to this incident illustrated their new approach to safety.

By bringing together a task force of safety, operations, labor and management employees, as well soliciting input from outside rail agencies, subject matter experts and federal regulators, as well as representatives from our committee, WMATA created a comprehensive document which addressed the TOCs concerns and will substantially improve safety on the Metrorail tracks. We were encouraged and optimistic to see Mr. Sarles, Mr. Dougherty and Acting Deputy General Manager David Kubicek sign the manual two weeks ago. In similar fashion, WMATA recently completed their Metro Safety Rules & Procedures Handbook revision, complying with long-standing TOC and NTSB recommendations and using similar strategies to create a framework that worked for the entire rail system.

WMATA has also committed to improving the process by which it communicates hazards. Many employees hesitate to report safety concerns or missteps for fear of retaliation or discipline. WMATA management has acknowledged the need to develop a non-punitive safety reporting system, and while this remains a work in progress, the TOC considers the development of such a program crucial to achieving a complete and accurate picture of how the system is actually run- and how safe the system truly is.

Furthermore, the TOC and its member jurisdictions, have, since we last testified before this body, been working with WMATA to develop a Memorandum of Understanding to formalize the duties, roles, and responsibilities of WMATA and the TOC. The goal of the MOU is not only to implement federal requirements, but also to strengthen the relationship between WMATA and the TOC jurisdictions so that the TOC can effectively carry out its oversight duties transparently, independently, and with adequate authority. Because of differences of opinion on certain terms within the agreement, further negotiations are needed. TOC and the TOC Executive Committee remain confident that these negotiations will be conducted in good faith and conclude in the near future. It is our hope that this agreement between WMATA and TOC will, in the near-term, address shortcomings identified by this Subcommittee, and by the FTA and NTSB. To increase TOC's policymaking authority and enforcement capabilities in the long-term, when more is known about which federal policy changes will be taken with regard to transit safety oversight, it is likely that the three jurisdictions will need to have a Compact agreement to codify transit safety oversight requirements.

4. Ongoing TOC Concerns

Despite noteworthy advances in communication, asset allocations and leadership attention to safety, WMATA continues to encounter challenges in fully complying with TOC requests and program requirements. While examples such as the RWP manual demonstrate a positive trend, WMATA's organizational culture, particularly within the rail operations department, has not yet reached a crucial threshold- demonstrating a willingness to "show their work."

WMATA makes decisions that are critical to the safety of the rail system every day. One particularly high-profile decision was the choice to remove the 4000-series railcars from service after Metro technicians discovered a potential fault that could allow train doors to open during movement. Metro immediately removed all 4000-series cars from the line, and in fact did so within hours of the July 4th weekend, cutting 11% of their vehicle fleet in advance of a major ridership weekend. Within 24 hours, the TOC was on a conference line being briefed by senior WMATA leadership, and WMATA staff helped a TOC contract engineer over that holiday weekend conduct an on-site inspection of the response efforts.

There is no question that WMATA's immediate response to the 4000-series hazard was to take the safest possible course of action. However, the TOC's attempts to learn more about this situation were met with delays and vague responses. On July 6th, we asked WMATA to provide us with more information about the decision leading up to the removal of the rail cars. Since Metro had claimed that the decision was "not prompted by a particular incident," and the problem discovered through "performance tests and observations," we hoped to learn more about those tests, observations and decisions. We also requested a copy of a written procedure for the repairs to the 4000-series door assemblies.

We received conflicting and confusing answers when we inquired as to the status of our request. At one point, we were told no procedure existed; at another, we were informed it was still being drafted. In the end, we were given a copy of the full procedure and learned that it had been in effect since three days after our original request. It took 20 days for us to get a complete answer.

Our request for information about the decision process behind the 4000-series removal took even longer. Despite straightforward requests that represented no undue burden on WMATA staff, the TOC's attempts to gather information bore little fruit. It was only when we were

able to secure access to front-line personnel during an August 10th railcar maintenance shop visit that we found the answers we needed. Indeed, one particular incident did not motivate the decision to remove the 4000-series, but rather a number of incidents.

During the process of trying to learn more about the 4000-series railcars, TOC was in contact with the General Manager as well as alerting the TOC Executive Committee and working closely with the Chief Safety Officer. It is safe to assume that had we not had access to those individuals, the process could have taken even longer.

In short, TOC's difficulty in obtaining information during the follow-up (although certainly not the initial response) to the 4000-series fleet removal shows that work remains to be done. It seems to us that in certain circumstances, our needs as an oversight organization for timely and accurate information are not of an acceptably high priority.

WMATA's massive rail operations department employs unquestioned subject matter experts in a myriad of different technical sub-specialties essential to running a modern subway system. TOC's role has never been to second-guess WMATA's operating decisions or to play "Monday morning quarterback." Rather, it is our role to support WMATA by carefully reviewing and validating the processes by which they make safety-critical decisions.

To sustain the laudable progress made in the last six months, WMATA's efforts to change its culture must include a commitment from the very top to transparency, openness, and a willingness not just to inform the TOC of the safety conclusions they have reached, but to show their work in how they reached them.

5. Conclusion

Many challenges to the goal of making Metro America's rail transit safety leader remain. Issues of oversight and governance still need finalization, and achieving a culture of safety-whether in senior management or among line employees- remains a difficult goal to achieve. However, if WMATA can sustain their progress by promoting transparency, continuing to empower the Safety Department, holding managers accountable for safety goals and improving hazard communication across the organization, we believe they will be positioning themselves to grow smarter, safer and stronger from the tragedies of the last 21 months.

The safety of Metrorail is everyone's responsibility. The continued engagement of Congress, the Federal Transit Administration, the National Transportation Safety Board and the riding public, as well as the TOC in our state safety oversight role, will be crucial to WMATA's success in this endeavor.

I thank you for your time and look forward to your questions.

Ms. NORTON. Thank you, Mr. Bassett.
Mr. Garland.

STATEMENT OF ANTHONY W. GARLAND

Mr. GARLAND. Good afternoon, Congresswoman Norton, members of the committee, and others. Thank you, Congresswoman Norton, for inviting ATU Local 689, the largest transit workers' union in the Nation's Capital, and the third largest transit union in the Nation, to testify before you.

I am here today to speak on behalf of the Union's president, Jackie Jeter, and our members. Over the past several years, we have made several recommendations to WMATA that we expect will improve management, employees' preparedness, riders' and workers' safety, and the safety of the public.

Please allow me to explain some of the most important. We believe that these are consistent with the proposed Federal leg.

One, development of comprehensive safety plans that mirror the proposed national plan. The WMATA plan should result from a collaborative effort between WMATA and the Union and require all parties to adhere to it.

Two, Union representatives should be members of the WMATA Board of Directors and the Safety Inspection Team.

Three, retraining plans must be developed and implemented for the entire work force, and likewise certification and recertification of safety personnel should become routine and ongoing throughout the workers' career.

Four, equipment upgrades must meet safety performance criteria and conform to minimum safety performance standards consistent with national standards or set at a higher level by our jurisdictions, then those standards should be maintained.

Five, deferred maintenance must be given priority in a timely set for completion.

Six, specific items, replacement parts or new mechanisms, new procedures within the systems, must be addressed within a specified timeframe, then tested and evaluated immediately. Adjustments and revisions must be completed within a specified period, and retest completed prior to any implementation.

Seven, the result of any equipment or process failure should be made public promptly, and the report should be disseminated to affected divisions and personnel within the WMATA and the Union work force.

Eight, we support the inclusion of oversight from external entities with enforcement powers.

Nine, we believe that noncompliance should be sanctioned and that improvements should be funded by the Federal Government and the three jurisdictions provided mass transit for the Washington Metropolitan Area Transit Authority going forward, with greater emphasis placed on awareness, disbursement of information, and willingness to work collaboratively with the Union on behalf of its employees.

Thank you for your time and attention this afternoon. I look forward to answering any of your questions.

[The prepared statement of Mr. Garland follows:]

**Testimony of Anthony Wayne Garland
Recording Secretary and Chief Safety Officer
Amalgamated Transit Union Local 689**

Before

**The Subcommittee on Federal Workforce, Postal Service, and the District of Columbia
September 23, 2010 2:00 p.m.
Rayburn House Office Building Room 2203**

Good afternoon Congresswoman Norton, members of the committee and others. Thank you Congresswoman Norton, for inviting ATU Local 689, the largest transit workers union in the nation's capitol and the 3rd largest transit union in the nation, to testify before your committee.

I am here today to speak on behalf of the union's President, Jackie Jeter and our members. Over the past several years, we have made several recommendations to WMATA that we expect will improve management, employee preparedness, rider and worker safety, and service to the public. Please allow me to explain some of the most important. We believe these are consistent with the proposed federal legislation:

1. Development of a comprehensive safety plan that mirrors the proposed national plan. The WMATA plan should result from a collaborative effort between WMATA and the union and require all parties to adhere to it;
2. Union representatives should be members of the WMATA Board of Directors and the safety inspection teams;

3. Retraining plans must be developed and implemented for the entire workforce and likewise, certification and recertification of safety personnel should become routine and ongoing throughout workers' careers;
4. Equipment upgrades must meet safety performance criteria and conform to a minimum safety performance standard consistent with national standards or, if set at a higher level by our jurisdiction, then those standards should be maintained;
5. Deferred maintenance must be given priority and a timetable set for completion;
6. Specific items must be addressed within a specified time frame, then tested and evaluated immediately. Adjustments and revisions must be completed within a specified period and retesting completed prior to any implementation;
7. The results of any equipment or process failure should be made public promptly and the report should be disseminated immediately to affected divisions and personnel within WMATA and the union ;
8. We support the inclusion of oversight from external entities with enforcement power;
9. We believe that non-compliance should be sanctioned and that improvements should be funded by the federal

government and the three jurisdictions providing mass transit to the Metropolitan Washington Area.

Going forward, WMATA needs to admit to its workforce that there have been problems in the past and it is committed to moving forward with greater emphasis placed on awareness, dispersal of information and a willingness to work collaboratively with the union on behalf of its employees.

Thank you for your time and attention this afternoon. I look forward to answering any questions you might have.

Ms. NORTON. Thank you, Mr. Garland.
Mr. DeBernardo.

STATEMENT OF FRANCIS DEBERNARDO

Mr. DEBERNARDO. Good afternoon, Chairman Norton. Thank you for inviting me to testify today. My name is Francis DeBernardo, and I serve as the 2010 Chair of the WMATA Riders' Advisory Council.

The Riders' Advisory Council serves as the riders' voice within Metro. The Council provides feedback to the Board and customer input to Metro staff. Members use Metro's transit services, Metro bus, Metro rail, and Metro access, and represent a diverse mix of ages, backgrounds, and ways in which they use the system.

Your invitation letter noted that this hearing would focus on the NTSB's railroad accident report on the June 22, 2009, Metro rail collision and the shortcomings in Metro's internal communications and its ineffective safety culture. Since the Riders' Advisory Council is specifically composed of non-Metro employees, it will be difficult for me to comment on Metro's internal workings. Instead, I would like to focus my testimony today on how Metro's communications with its external stakeholders, namely its riders, affect safety and how, as it rebuilds its safety culture, Metro must include riders in that effort.

As the NTSB's report noted, several factors, human and mechanical, contributed to the 2009 collision. The Council is confident that, under the leadership of the interim general manager, Mr. Sarles, Metro has been identifying and addressing the mechanical factors that contributed to last year's collision. However, in addressing safety, Metro cannot only look inward for solutions. It must also look to its 1.2 million daily customers about how to address safety.

In the wake of last year's crash, the focus has been on the safety of the train control system and the safety of employees working within Metro's right-of-way. I would also suggest that other aspects of the rider experience are critical to create a safe Metro system.

Working to reduce crowding and improving service reliability, along with ensuring clear and direct timely communications with riders will all greatly improve safety. Crowded platforms, crumbling tiles, and broken elevators and escalators pose threats to customer safety that, while not as dramatic as last year's crash, are just as dangerous because of their ubiquity.

We are encouraged that Metro is taking steps to improve communications with riders in terms of safety and security. Earlier this month Metro unveiled signage that preeminently featured the telephone number for the Metro Transit Police to help riders report problems or safety concerns. This example of a rider-suggested change will directly improve safety for Metro's customers.

As it rebuilds its safety culture, Metro also needs to rebuild its culture of customer service. Employees, especially those actively engaged with customers, will be better able to recognize and correct potentially dangerous situations earlier.

In addition, an organization that listens to customers, addresses their concerns, makes it more likely that those customers will identify and report safety concerns.

Metro's 1.2 million daily riders represent 1.2 million pairs of eyes and ears on the system every day. This is a resource that cannot be taken for granted if Metro truly wants to become safer.

The Council is also encouraged by Metro's recent efforts in tracking and reporting service and safety. The new monthly vital signs report provides a clear, timely snapshot of Metro's performance. Metro must make this available to all its stakeholders if they want to improve performance.

Ensuring sufficient capital funding for Metro is necessary to improve safety. The Council appreciates Congress' support of the \$150 million annual Federal capital funding and hopes Congress will continue to provide these funds, especially as they will be directed toward safety.

We are also encouraged by the Metro Board's approving a \$5 billion, 6-year capital funding agreement.

I thank you for this opportunity to provide testimony and will be happy to answer any questions that you may have.

[The prepared statement of Mr. DeBernardo follows:]

Statement of
Francis DeBernardo, Chair
Riders' Advisory Council
Washington Metropolitan Area Transit Authority
Before the
Committee on Oversight and Government Reform
Subcommittee on the Federal Workforce, Postal Service and
the District of Columbia
United States House of Representatives

September 23, 2010

Chairman Lynch and Members of the Subcommittee,

Thank you for inviting me to testify today. My name is Francis DeBernardo and I am the 2010 Chair of the WMATA Riders' Advisory Council.

The Riders' Advisory Council was established by WMATA in September 2005 and serves as the riders' voice within Metro. The Council provides feedback to the Board and customer input to Metro staff. Council members are appointed by the Board of Directors. The Council consists of 21 members; six appointed from each jurisdiction, the District of Columbia, Maryland and Virginia; two members appointed at-large and the Chair of Metro's Accessibility Advisory Committee. Members use Metro's transit services – Metrobus, Metrorail and MetroAccess – and represent a diverse mix of ages, backgrounds and ways in which they use Metro.

Your invitation letter noted that this hearing would focus on the National Transportation Safety Board's Railroad Accident Report on the June 22, 2009 Metrorail collision and the shortcomings in Metro's internal communications and its ineffective safety culture within the organization. As an entity composed specifically of non-Metro employees, it will be difficult for me to comment on Metro's internal workings. However, I would like to focus my testimony today on how Metro's communications with its external stakeholders, namely its customers, affect safety and how, as it rebuilds its safety culture, it must include its riders in that effort and look at safety as part of an overall perspective.

As the National Transportation Safety Board's report on last year's Red Line accident noted, several factors, both human and mechanical, contributed to the collision. The Council is confident that under the leadership of Interim General Manager Sarles, Metro has been

identifying and addressing the mechanical factors that contributed to last year's collision. It is clear that Metro needs the best safety managers and a culture that, from top to bottom, ensures that all employees respect and follow the safety recommendations. Metro has made strides in filling vacancies in its Safety Department. It is our hope that these new employees will provide the foundation for a robust safety culture and that one day, hopefully very soon, the immediate safety crisis will be a memory.

However, in addressing its safety challenges, Metro cannot only look inward for solutions. It must also look to its 1.2 million daily Metrobus, Metrorail and MetroAccess customers on how to address safety concerns and, even more fundamentally, to help identify those concerns.

While I understand that, in the wake of last year's crash, the focus has been on the safety of the train control system and the safety of employees working on Metro's right-of-way, I would also suggest that other aspects of the rider experience are also critical to creating a safe Metro system.

Working to reduce crowding and improve service reliability, along with ensuring that communications with riders are clear, direct and timely will all greatly improve rider safety. Crowded platforms, crumbling platform tiles and broken elevators and escalators pose threats to customers' safety that while not as dramatic as last year's crash, are just as dangerous because of their ubiquity.

We are encouraged that Metro is making some steps to improve its communications with riders that will directly impact safety and security. Earlier this month, Metro's Assistant General Manager for Communications, Customer Service and Marketing, Barbara Richardson, unveiled signage that will prominently feature the telephone number for the Metro Transit Police Department and be installed in buses and railcars to help riders more quickly report problems or safety concerns. This is an example of a rider-suggested change that will directly improve safety for Metro's customers. We look forward to working further with Ms. Richardson and other Metro staff to continue to open the lines of communication between Metro and its riders.

As it rebuilds its safety culture, Metro also needs to rebuild its culture of customer service. Employees, especially front-line employees, who are actively engaged with Metro's customers, will be better able to recognize dangerous or potentially dangerous situations earlier and begin to work to correct them. In addition, an organization that listens to its customers and effectively works to address their concerns makes it more likely that those customers will identify and report safety concerns in the future. Metro's 1.2 million daily riders represent 1.2 million pairs of eyes

and cars on the system every day and are a resource that cannot be taken for granted if Metro truly wants to become safer.

The Council is also encouraged by Metro's recent efforts in tracking and reporting information on service and safety. Its new monthly *Vital Signs* report, which was unveiled over the summer, provides a clear, timely snapshot of Metro's performance, including its safety performance, along with information on the causes of changes in performance metrics and the steps that Metro is taking to improve them. By making this information clearly available to a broad swath of Metro's stakeholders – its employees, staff from its partner jurisdictions, its Board of Directors and its riders Metro makes itself more accountable to its stakeholders and, hopefully, more likely to take steps to improve its performance.

However, improving Metro's and, ultimately the region's safety will require facing head-on the issue of Metro's chronic underfunding, both as a result of federal transportation spending rules which contain built-in biases against transit funding, to state and local fiscal decisions which fail to adequately fund a system that has brought billions of dollars in economic value to the region.

Ensuring stable and sufficient capital funding for Metro is necessary to improve safety. The Council appreciates Congress's support for the \$150 million annual federal capital funding for Metro last year and hopes Congress will continue to provide these funds, especially as these funds will be directed specifically to safety improvements. We are also encouraged by the Metro Board of Directors' action in June to approve a \$5 billion, six-year capital funding agreement to ensure that Metro attains and maintains a state of good repair. Unfortunately, these actions leave Metro several billion dollars short of its identified capital needs over the next 10 years and will not fund critical capacity improvements such as more 8-car trains or additional station entrances and exits.

And, as Metro implements its capital program, it must ensure that any safety upgrades look critically at all aspects of safety. As Metro has moved forward on replacing its 1000-series railcars, one of the top recommendations from the NTSB report, it has made decisions regarding seating and door placement that may increase safety but may also contribute to increased crowding. Metro must ensure maintains service quality, while improving safety, because impairing overall service in the long run in the name of safety will only drive commuters to

other, more dangerous modes of travel. Transit must be safe: it also must not be permanently hamstrung in ways that actually make travelers across all modes less safe.

The NTSB has very clearly laid out what it expects from Metro, and Metro has shown that it is moving forward on implementing the NTSB's recommendations. However, riders have also expressed their vision for improvements at Metro: they want more reliable service, greater focus on customers, and clearer, more direct and more frequent communication from Metro, especially when things go wrong. Metro must work to ensure that these two visions complement each other, rather than compete against one another.

A safe, reliable, well-maintained and adequately funded Metro system will contribute to the safety of the entire region. I thank you for the opportunity to provide testimony and would be happy to answer any questions you may have.

Attachments:
Attachment A – List of Current R.A.C. Members

**Riders' Advisory Council
Roster**

(as of February 3, 2010)

2010 Officers:

Chair: Frank DeBernardo
DC Vice-Chair: David Alpert
MD Vice-Chair: Victoria Wilder
VA Vice-Chair: Dharm Guruswamy

Jurisdiction:

At-Large:
Dharm Guruswamy
Carl Seip
Patrick Sheehan (AAC)

District of Columbia:
David Alpert
Kelsi Bracmort
Patricia Daniels
Kenneth DeGraff
Carol Carter Walker
Diana Zinkl

Maryland:
Sharon Conn (Prince George's County)
Frank DeBernardo (Prince George's County)
Christopher Farrell (Montgomery County)
Ronald Whiting (Montgomery County)
Victoria Wilder (Montgomery County)

Virginia:
Penelope Everline (Arlington County)
Robert Petrine (Fairfax County)
Clayton Sinyai (Fairfax County)
Lorraine Silva (Arlington County)
Evelyn Tomaszewski (Fairfax County)
Lillian White (City of Alexandria)

Ms. NORTON. Thank you very much, Mr. DeBernardo.

Could I ask a question of the entire panel? Since the June 22, 2009, tragedy, in your view is Metro safer than it was? I am not asking for absolutes here, but is it safer than it was? And I would like you to describe briefly, if you think it is safer, why; and if you think it is not safer, why.

Ms. Hersman.

Ms. HERSMAN. Yes, ma'am. I think clearly Metro is in a much safer position today than it was in June 2009. The reason I would say that is because I think they are aware of many of the deficiencies that exist on the system, whether it is track circuits or challenges that they have within their operation, communication, making sure that maintenance procedures are clear. They have done a lot of learning in the last year-plus, and I think that always every organization is going to go through a difficult time after an accident.

The question is how you react to that accident and what changes you make, and I believe that the Metro Board was very willing to listen to the Safety Board after our report was concluded, and they have taken many of those lessons to heart, and I think that they are beginning to make many improvements that have been long overdue.

Ms. NORTON. Thank you, Ms. Hersman.

Ms. Hudgins.

Ms. HUDGINS. Ms Norton, yes, I believe that we are, as an Agency as well as our Board, a safer environment for our customers. I think we most specifically have to talk about the fact that immediately after the accident that there has been a constant attention to the testing that needs to be done for the trains to ensure that the accident should not happen again.

But, more importantly, I think the Board has been focused. As I noted in my opening point, we have already changed our committee so that we can make sure that safety and security are foremost in the work that we are looking at, and that we can get the kind of information that was brought out in the NTSB report that we need to hear, as well as the whistleblower piece that allows our workers to be willing to report information freely without punishment.

I think those are very important pieces to start us on what I think is rebuilding the culture that is needed for safety in our organization, throughout the Board, and with our customers.

Ms. NORTON. Mr. Sarles.

Mr. SARLES. I believe we are a safer organization, but we have a long way to go. Some of the things that have been done include, with regard to the specific incident, monitoring our system much better than we did. We have started more training. We have improved communication. We have taken some actions such as ordering new cars.

One of the important actions, which I mentioned in my testimony, was the appointment of a chief safety officer with much experience and bringing other people into this organization that have many, many years of experience in rail operations and safety, and that person reports directly to me and has a lot more independence and strength than occurred in the past in this organization.

Those are some of the things, but I emphasize it is a start; it is not an end.

Mr. BASSETT. Speaking on behalf of the oversight agency, I would believe that yes, they have made significant progress. They are a safer organization than they were on June 21st.

I think it is worth noting that the Metro is unequivocally the safest way to get around the national capital region and has been for a very long time, but I think they have made notable progress, in particular in the areas of switching their focus from what I would characterize as occupational safety, where they were primarily concerned with number such as slips, trips, and falls, workers compensation injuries which, while important, do not reflect an approach to analyzing systemic, high-consequence threats to the system such as June 22nd.

The addition of the expertise that Mr. Sarles mentioned has really permitted them to bring their safety office up to a very high level of technical proficiency in the matters, in particular with rail safety, that will help them analyze such hazards in the future and prevent them before they ever pose a risk to passengers.

Ms. NORTON. Thank you, Mr. Bassett.

Mr. Garland.

Mr. GARLAND. I would have to answer that two-fold. I think in a worker's capacity, which is what I was hired as a bus operator, the Agency is safer because of the awareness that the system gets in the media or incidents that happen on a daily basis. But I would say that, as far as the workers are concerned, the ones who do the work, there is this element of the workers not being confident in the Agency as far as being able to protect their safety and their health.

The underlying issue is, when they are doing their daily operations in the system, there is that element of always looking over your shoulder as to what else is out there. So in that sense you are working under pressure as a worker.

I know the train system is in a manual mode and the train operators basically run the system through the manual mode, but there is that element out there, what's out there? That is a safety issue.

So until we address the work force and reconnect with the work force as to training, as to recertifying, building the morale of the work force and reconnecting with the work force, that element is always going to be there.

We always talk about the funding of the system, but there is that element of the human beings who do the work, and until that is addressed the money portion really is like opening a window and pouring it out of the window. If you have complacency with your work force, you must get reconnected with the work force and re-instill in them what they are doing on a daily basis. So I would say it is unsafe in that sense.

Ms. NORTON. Thank you, Mr. Garland.

Mr. DeBernardo.

Mr. DEBERNARDO. Yes, the Riders' Advisory Council believes that the Agency is safer in practice, in policy, and, most importantly, because of their willingness to be accountable and transparent.

Ms. NORTON. Metro is faced with a very difficult issue. in testimony from one of you, or perhaps this is just what I remember,

there is something like \$11 billion in funds that are needed in your capital program.

Now, the Congress has authorized only \$1½ billion over 10 years, and, as I understand it, the region would put in another \$1½ billion. So let me begin at the micro level. You now have from the region \$600 million last year and \$600 million, we believe, this year.

How should that money be spent? Anyone can answer that who feels that they can, but we would like an answer to that because somebody has to figure out, given the enormity of the need, I almost assure you are faced with a deficit in a recession, not much hope that the Congress would pony up more money. We are aware of your own difficulties, certainly not of your making but there they are, and so you are not going to get more from the rider public than you are already getting. Mr. DeBernardo will probably be the first to tell you.

So in a climate of extreme scarcity and great need, somebody has to figure out where these scarce resources go. Is anybody figuring it out? One way to do so, since you have money in hand, is to say where is that money going to go.

Ms. HUDGINS. Congresswoman Norton, I think when we look at our approved capital budget and we look out over the 6-years that we have, we have tried to focus those resources in many of the areas that were raised by the NTSB.

If you recall, over 6 years ago the Metro Board developed a Metro matters, and it was funded really from the jurisdictions, the Metro Compact members. What we are acknowledging is that \$1½ billion over the 10-years is, indeed, a very important piece of what we are doing.

We just have to admit that it is still not enough, and it is uncomfortable to say that when we recognize how much we need to do.

Ms. NORTON. Yes, and we don't want to hear that because we don't want to raise hopes here, so we need to know how you are going to spend that money. Have you budgeted the first 2 years of money or the first year of money? Have you spent the first year of money?

Ms. HUDGINS. We have budgeted, and Mr. Sarles can go over the estimates that are part of the NTSB recommendations that I think are very critical in addressing this problem.

Ms. NORTON. We recognize that you are dealing not only with funds from Congress.

Ms. HUDGINS. Yes.

Ms. NORTON. I am asking about our funds. The appropriators will want to know, for example, as we struggle—and it is a struggle each year to get each \$150 million out. Well, they are going to ask for an accounting on their funds as if their funds were the only funds in the whole world, when, as your own needs indicate, they are a fairly small part of the funds you receive and need.

Mr. Sarles, if the appropriator were here he would say: how did you use the first \$300 million and how will you use the \$300 million for this year?

Mr. SARLES. All of it is devoted to safety and state of good repair projects. An example of where a good chunk of money is going is to purchase the cars to replace the 1000-series cars, which is our

top priority and, of course, an NTSB recommendation of longstanding time period. So that is where it is going, safety, state of good repair. In fact, if you look at our entire 6-year, \$5 billion capital program, it is all devoted to safety and state of good repair.

Now, we do have the NTSB recommendations. I outlined before that we are going to move ahead on all of them. We know already that there is roughly \$150 million that wasn't accounted for in our budget, because obviously we didn't know exactly what the recommendations were. We are going to have to deal with that and reprogram because we are going to do it.

Ms. NORTON. I'm sorry. What was not accounted for in your budget?

Mr. SARLES. About \$150 million that will have to be spent as a result of the NTSB recommendations.

Ms. NORTON. Above and beyond?

Mr. SARLES. What we had budgeted.

Ms. NORTON. For this year? For which years?

Mr. SARLES. Over the next 3 years or so. The entire program is 6 years, but it is really things that we want to accomplish in the next 2 or 3 years.

So we are going to have to look at reprogramming that, and then obviously if there are other funds that come available, that would be very helpful.

Beyond that, there are certain recommendations that we are following through on, such as the systems safety testing and analysis that, as a result of that, we may have other conclusions that come out and other findings that say we have to spend additional money, but that we will not yet be able to determine until we have completed those analyses.

Ms. NORTON. Ms. Hersman, your report is truly excellent and it is the kind of road map that I believe will probably be used by other systems, as well, particularly since you cautioned other systems early on, and we certainly thank you for your early discovery and your announcement that other systems which had similar tracking systems need be very cautious. That is very important national announcement that you made.

What it, of course, indicates to the subcommittee is that you have the kind of knowledge of these systems around the country that none of the rest of us, including, I am sure, many at Metro, have. I would like to know, you have to forgive me, I still am a professor at Georgetown and always mark on a curve, so I don't want to compare my own students to the perfect. I look across the board and I say, compared to what? It is the only fair way to judge, even though we want people to reach beyond where the best are.

I would like to ask you today, with the improvements that have been made as of now, how Metro would rank compared to the systems that we are most familiar with, like Chicago, New York, Boston, the kinds of systems. How would you rank our Metro system today, given improvements that they have made, consciousness they have, with these systems far older and apparently haven't had the same issues?

Ms. HERSMAN. You are kind of asking me to pick amongst my children a little bit. Certainly Metro is a system that I and many of our employees use every day to get to work, and so it is one that

we are very familiar with. But I will say we investigate accidents in transit properties all across the country, and so we do find failures and lapses. We find deteriorating equipment and challenges in those systems.

It is very simple things sometimes, like distractions, like a train operator that might be texting while they are operating a train and they hit another train. Those are not always things that cost a lot of money or have anything to do with the age of the system, but they involve the human beings that are involved, so it is having good procedures and good systems.

I will say that there are many other transit properties that are learning a lot from this investigation on Metro.

Ms. NORTON. Ms. Hersman, would you make us understand. Perhaps we just don't know. This was so dramatic and inflammatory. Why haven't we had such crashes in New York and in Boston? Is it because they have a safety culture that we do not have?

Ms. HERSMAN. I think it is hard to say, but they have not had certainly the overall number of accidents that Metro has had. Certainly the June accident in 2009 was very spectacular, but Metro had three other events after that.

Ms. NORTON. Your report noted and we are talking about one spectacular event, but how many events did you note over the year?

Ms. HERSMAN. Well, over the year since the accident there were four incidents that were investigated.

Ms. NORTON. Even since the accident?

Ms. HERSMAN. Yes.

Ms. NORTON. Even since the accident?

Ms. HERSMAN. Three additional that we investigated on Metro property.

Ms. NORTON. And before the accident there were about how many?

Ms. HERSMAN. We investigated two track worker fatality events, one on the yellow line, one on the red line. We also had the Woodley Park accident where we had the train roll back. Fortunately, there were no fatalities on that. But the number of accidents that Metro has had is unusual compared to the other properties around the country.

Ms. NORTON. Are you satisfied with what you know that Metro is spending the first of its funds in the right places?

Ms. HERSMAN. I think it is really up to Metro to prioritize what they are ready to roll out.

Ms. NORTON. In terms of safety?

Ms. HERSMAN. Yes, in terms of safety. I think Mr. Sarles and his team are in the best position to know what projects are ready to go and what things are ready to roll out.

One of the things that doesn't cost any money, and that is what the Metro Board is moving forward with, is beginning to change that safety culture from the top down, and I think this goes to Mr. Garland's comments. You have to involve the whole organization in this process. You have to bring the employees to the table for this to be effective.

Those are things that may not be very expensive, but they are going to take a lot of work. I really did appreciate what Mr. Sarles

said, that they have a lot of work yet to do, and I think that is exactly the right attitude.

Ms. NORTON. Mr. Sarles, how will the workers be involved, more involved with Metro, not as adversaries, apparently there has been some adversarial feeling. Mr. Garland says that there should be a member of the Board. Is there any system that you know where workers are represented on the Board, not on the Board? How would you make sure that workers have a buy-in into the system?

Mr. SARLES. I think there are a number of things that can be done and, in fact, we have started on a number of them.

One is what we call safety conversations, where we are strongly encouraging workers among themselves, as well as between supervisors and workers, to talk about safety issues when they arise.

I will give you a for instance of what that is. I was out one night looking at construction work and I happened to step over some tools, and one of the folks came up to me and said, You shouldn't have done that because you could have stepped on the shovel and smacked yourself in the face. That is a safety conversation. It is that kind of thing that we have to encourage.

In addition, at our facilities there are meetings that go on between the supervisors and the workers, there are safety committees that discuss what issues are coming up. Now, it is important not just to have the conversations and talk about what the issues are, but then to act on those issues and to give that kind of feedback to the workers. That is the direction we are moving in. I wouldn't say it happens all the time every place the way it should, but that is the direction we are moving in.

We have established superintendent report-out committees, where I go and listen once a month to what the issues are, and this reflects the conversations that are going on in the safety committees as to where the trends are, where there are issues, and where there are successes.

I think importantly, which I have some experience with at my last job at New Jersey Transit, we were the first commuter railroad to introduce the non-punitive reporting system. We did that last year and we signed up that agreement with—

Ms. NORTON. Who did that? I am sorry.

Mr. SARLES. New Jersey Transit. First commuter railroad in the United States to do that. We have discussed that we the leadership at ATU Local 689. In fact, I shared with them that agreement, and that is the kind of thing I would like to see happen, myself.

Ms. NORTON. This is what I would like to get to the bottom of. We don't think that there is a non-punitive culture at Metro now, and the words are thrown around, and I am not sure what they meant. In fact, the only understanding I have is what you, Ms. Hersman, indicated. The way she gave me to understand it was not simply talking in generalities about culture, but by describing other forms of transportation.

I wish, Ms. Hersman, for the record you would tell us about non-punitive systems in other modes of transportation. I do not think the public understands it any more than I did before I heard what I regarded as a very clear statement from you. I have not heard any here today. It would elucidate our record to know by way of example what a non-punitive culture is by reference to other forms

of transportation that have such systems in place. How do they operate?

Ms. HERSMAN. Thank you for that question. I would be happy to explain because we think that they have been very successful in other modes of transportation. The Close Call Reporting System is being used in the rail industry, in the freight rail industry. Certainly Mr. Sarles has some experience with a commuter rail industry.

Ms. NORTON. Now, close call would mean, for example, if I am Mr. Garland and I had a close call, and who knows it is Mr. Garland and maybe the other driver, they would just come forward and say, I had a close call?

Ms. HERSMAN. Absolutely. Well, you need to set up a structure where the employees feel comfortable reporting this. I can give you a couple of examples in the aviation industry because we also have a very mature non-punitive reporting system for pilots. We have one in existence also for air traffic controllers. But when we talk about pilots, the important thing is sometimes there are things that go on that no one else might know besides the people who are in that cockpit. Sometimes there are things that other people know about. But what you need is you need more information really to understand what happened and why it happened.

So it is not about letting people off. It is not about avoiding discipline. But it is really about the organization being able to learn about mistakes or failures or systemic procedures that don't work or aren't being applied.

So we can look at two aviation accidents and look at how they might have been treated differently based on the circumstances. One involves two pilots who overflew their destination, Northwest 188. These are real events. Last October they overflew Minneapolis by about 100 miles. They did not respond to air traffic control hails for over an hour and they didn't realize that they had overflown until they got a call from the flight attendant saying, Should we begin preparing the cabin, and they realized we have overflown.

They had taken their laptops out and they were talking about new scheduling procedures and they had gotten distracted from the task at hand.

Around the same time, we had another airplane coming in from South America on an overnight flight. They had a senior pilot, a third pilot in the cockpit with them who got ill, had to leave the cockpit. They were coming down to land in Atlanta Hartsfield about 6 a.m. They had been flying all night. They got a change of assignment and runway, some information as they were coming in. They landed on a taxiway at Atlanta Hartsfield Airport, our Nation's busiest airport, not on the runway but on a taxiway. They were very fortunate that they didn't have a major accident.

Those pilots, they made a mistake. They did not want to land on that taxiway. What was really important about that event is that we learned about why. Was the lighting good on the runway, on the taxiway? What were their instructions? Were they unclear? How did they line up?

Ms. NORTON. But what about the first one? As I recall, the first pilots were not candid about having their laptops out.

Ms. HERSMAN. They actually were. They were forthcoming with the Safety Board investigators, but they did end up getting their licenses suspended by the FAA.

Ms. NORTON. Yes. That is pretty severe.

Ms. HERSMAN. That was because they knowingly violated procedures. They had a prohibition in the flight deck by the company, You can't do this. So this would be like a bus driver texting and hitting someone. That is a violation of procedures, a knowing violation. You don't want to protect people who are violating rules.

But on the other situation with the pilots coming in to Atlanta, you want to understand why that happened because they didn't mean to get in that situation. That report was accepted into the system. They talked to the pilots, they counseled them, they learned from that event.

So we say, how does this apply to a transit system? How would this work in a transit environment? I visited some other operators around the country, and I asked a system in another city how would you use this system or how have you used this system, and they said, we had a problem. We had some escalators that we had an issue with, and one of them slipped and someone got hurt, and we said, wow, this has never happened to us before. And a bunch of their maintenance technicians said, yes, it actually has. It happens a lot. We see it happen all the time. And the management team said, what do you mean you have seen it all the time? And the employee said, "well, we have this form for reporting if we get hurt, we have this form if we are reporting if a passenger gets hurt," but they didn't really know how to put that information up the chain that an escalator had slipped but nothing bad had happened. So the operator said, "wow, we really need to be able to get this information. We need to be able to pull this information in before something bad happens."

That is exactly the kind of system that they need to have on Metro, so if they have an escalator that is slipping at Woodley Park they need to get employees who are calling up Management and saying, we are having this problem and you need to help us figure out how to address it. Let's sit down and talk about this.

Ms. NORTON. Instead of feeling that the escalator slipped and the first thing you are going to be asked is who did it.

Ms. HERSMAN. Well, and we actually saw that in our investigation of the Metro accident. What we saw is that there was a sense that there was a punitive culture if mistakes were made.

We talked to the train operator of the standing train, the one that was struck, and he shared with us the reason why he was operating in manual mode. He should have been in automatic mode, but the reason why he was operating in manual mode is because in the past he had been operating in automatic mode and the train overran the place where it was supposed to go in the station and he was disciplined for it when the train was running in automatic. That made him not trust the system, not trust the train, and he wanted to be in control and make sure that it didn't overrun so he wouldn't get into trouble.

Ms. NORTON. That is a direct example.

Ms. HERSMAN. He was violating procedures because he was concerned about the discipline.

Ms. NORTON. Yes.

Ms. HERSMAN. Rather than the company understanding we have a problem with these overruns and we need to fix it.

Ms. NORTON. That certainly helped to cause the accident if he was in manual mode.

Ms. HERSMAN. Well, it didn't necessarily cause the accident. He happened to be stopped on that track circuit that didn't detect him.

Ms. NORTON. Yes.

Ms. HERSMAN. That was what caused the accident.

Ms. NORTON. Yes.

Ms. HERSMAN. But it was a symptom of not addressing problems and employees feeling uncomfortable talking about them.

Ms. NORTON. Mr. Sarles, did you look at what other modes of transportation have done? You say you were the first system to have—

Mr. SARLES. First commuter rail system to have close call where we—

Ms. NORTON. Right.

Mr. SARLES. This involved an agreement between the operating unions, the FRA, and ourselves that people could identify and report something that could be a hazard or could lead to an accident in the future but hadn't occurred in that particular incident, and by doing it in a way that protected the employees so that the information was provided without them being subject to any retaliation. It is way to get that information out that the Chair of the NTSB just pointed out, and it is the way we should go, and that is the way I would like to go.

Ms. NORTON. Have you initiated such discussions with the transit union here?

Mr. SARLES. Yes, we have. We meet monthly, and that is one of the things we are talking about.

Ms. NORTON. Ms. Hudgins, I am interested in you and Mr. Sarles that you have looked outside of the Agency. Any time, I think that is always among the best practices, to assume that there may be others who can be helpful.

I believe in your testimony you describe an external safety panel that Metro has formed. I must say I was impressed with the composition. You formed it with help from the DOT, and I hope Metro will recognize that DOT is right here with lots of expertise that can be useful to Metro, but they apparently helped Metro form this panel, and it has an impressive, across-the-board membership—AFL-CIO, American Public Transportation Association—to develop strategies for creating this safety culture.

Can you give us some information about what this panel is, how this panel is advising you, and whether they have, in fact, been able to move you toward a safety culture? And if so, when?

Ms. HUDGINS. Ms. Norton, the panel is working now and has been working with our Metro staff and working in looking at our organization, and they are to come back to our Board.

Ms. NORTON. When are they due back?

Ms. HUDGINS. I am not sure I have the final date back, but by the end of the year we need to have that back, because there are two aspects of this. We really were looking for outside help in order to evaluate what we should set as the standard for our organiza-

tion, and that starts with the general manager, and looking at a general manager for the future we want to make sure that this Board understands——

Ms. NORTON. Where are you on the general manager of the future?

Ms. HUDGINS. The general manager?

Ms. NORTON. And when is the future coming?

Ms. HUDGINS. Well, let me first say that we have a general manager in place, and Mr. Sarles has been outstanding in the work that he has done, but he has indicated he is not a permanent candidate for this job so we are working toward the end of the year of moving forward on a general manager.

Ms. NORTON. So you believe that by January 1st we will have a new general manager for the Metro system?

Ms. HUDGINS. We hope that within that timeframe we are able to do so. But the information that we are gathering is very critical in trying to set some priorities for the organization about safety, and that is what that group is doing in helping the Authority and the general manager and his employees, but we are looking for expertise. We are looking for information from this task force that will set forth some guidelines for us.

Ms. NORTON. I believe Mr. Sarles' testimony, or it comes from really the audit of March 2010 when 25 percent of the positions in Metro's safety department were vacant, and you have testified about James Dougherty, the new chief safety officer, and an actual increase of 12 positions. So we would like to know how many positions remain vacant?

Mr. SARLES. None.

Ms. NORTON. And how has that new safety operation been restructured? In what way is it different?

Mr. SARLES. There are no vacancies left. All those vacant positions that were talked about were filled, including people who have worked on other railroads and have extensive experience in the regulated environment.

In addition, as part of the FTA findings and recommendations, we were to do a self-assessment of the safety organization. What we have completed thus far is looking at the experience of all the people in the organization, what we need in that organization, and the additional training that has to be done so that everyone is fully qualified in all their positions. There has been a lot of experience; now we are just adjusting it to the Washington Metro organization.

Importantly, as I mentioned before, that organization, which had sort of moved around, safety organization had moved around different places in the organization, not always reporting to the general manager, reports directly to the general manager, as well as giving monthly reports to the Board.

Ms. NORTON. Mr. Bassett, I appreciate the work that you have done, particularly given the obvious handicaps under which you labor. How many funded positions does TOC have?

Mr. BASSETT. We currently have two members who are assigned full time, myself and Mr. Benton. The White Paper, as issued in April, identifies the commitment from the three jurisdictions to allocate one full-time person, as well as one person who will provide 50 percent of a full-time equivalent, per jurisdiction. So once the

hiring process is complete for the District of Columbia, we will have three full-time TOC members.

Ms. NORTON. Now, Mr. Bassett, you are having to struggle while we in the Congress are trying to create an entirely new system where the local jurisdictions would have to have a fully funded oversight organization or depend upon the Federal Government, and we are giving that option in our legislation, at least, to the local jurisdictions. You can do it yourself, according to regulations which will be at some level national, or the Federal Government can help the local jurisdictions. That is just very rough notion of the statute.

You are going to have to hobble along until we get this bill out. Actually, I think it is today it is on the floor, or tomorrow it is on the floor. I am going to go to speak to that bill. We hope to get the bill out of the Senate.

So we are very concerned about the issues you have had. Why did they have issues, after there have been hearings that Mr. Bassett reported, Mr. Sarles?

Mr. SARLES. I think, as Mr. Bassett said, there has been a lot of improvement. As I said, we are just at the start.

The one issue that Mr. Bassett brought up with regard to the 4000-series cars, there are two pieces to it.

Ms. NORTON. This was the 4000-series cars that were all taken off line?

Mr. SARLES. Right.

Ms. NORTON. Which would lead any oversight body to want to know why, and they got two or three different answers, and we are left to believe that there were not real written procedures, correct me if I am wrong, because the document you got was dated 3 days ahead of when you got it, or some such. It indicates they kept getting answers one way or the other, which tended to show that the procedures within Metro themselves were in disarray, and only because Mr. Bassett asked for a really common-sense explanation did it become clear that the problem was not so much just tell us what the answer is; it was that the procedures of Metro did not provide for staff to do the appropriate documentation in order to render an answer to Mr. Bassett or anybody else, so they had to quickly get themselves together and get an answer to Mr. Bassett.

Mr. SARLES. Let me clarify something. Immediately upon the determination that there was a problem the TOC was notified. Immediately, they were invited in to see what the problem was and to show what the solution was in the field, invited to the shops, I believe, and reviewed it and did not see an issue with what we were doing.

Where we could have done a better job is that once we determined what the fix was and how to do it, which we shared with the TOC, in terms of documenting that. In other words, you decide how you are going to fix it, and then you have to write down how you are going to fix it, as we were proceeding with the repairs.

So the focus of our folks was on identifying it, identifying the corrective action, getting the corrective action moving so we get the cars back in service. What took more time than it should have and could have been more clearly communicated was documenting what had been done and what we were doing.

So we recognize that and we will take steps to improve upon that.

Mr. BASSETT. I think Mr. Sarles has accurately outlined the sequence of events. Our concern was never that they did the wrong thing or that their procedures for actually correcting the problem were inadequate.

Ms. NORTON. So they acted quickly. When that door didn't open, they knew to take those cars out?

Mr. BASSETT. Actually, I believe the concern was the door was opening when it shouldn't have.

Ms. NORTON. Yes. Just the opposite.

Mr. BASSETT. But the important thing to note is that, as Mr. Sarles mentioned, they were on the phone with us at nine o'clock on a Friday night on a holiday weekend. They were bringing our contract engineer in in the immediate response, and that went very well.

The issue was the followup.

Ms. NORTON. Well, that is a vast improvement if the first thing you do is to notify TOC.

Mr. BASSETT. Yes. And I unfortunately was pressed for time putting together oral testimony, trying to get a whole bunch of stuff into 5 minutes, but I believe the written testimony reflects that their immediate reaction of notifying us and bringing our personnel in was praiseworthy. But the concern is the followup.

Ms. NORTON. Mr. Bassett, I really have to ask you about our concern. We don't know when this bill will get out. Let's assume our bill gets out of the House and the Senate. It will take considerable time for regulations to be drawn and the rest.

The subcommittee was very concerned the way TOC is funded. Bad enough for it not to be independent in the usual sense of the word, but are you not funded through the transportation departments of the various jurisdictions?

Mr. BASSETT. We are, and in the White Paper they made the commitment to almost double the funding from the three jurisdictions on an annual basis.

Ms. NORTON. What was mystifying to us was, since all the money comes from the legislatures in the first place, why use the transportation departments, who could be implicated, who knows, in issues TOC finds? Why use them as a pass-through if the point is not to in some ways control TOC? Why not at least make TOC independent enough so that its funds come directly from the legislature or the county legislature, or in the District it would be the City Council? They could appropriate it in their funds. We don't understand why you give the money to DOT and say, will you give it, because we see that third party intermediary as either unnecessary or if not actually having a role. So we would like to know is it?

Mr. BASSETT. The membership of the TOC, as well as the funding, does come from the three State jurisdiction level transportation.

Ms. NORTON. We are well aware of that. Yes.

Mr. BASSETT. And I think the only real additional comment I can share on that is that this was an approach that was approved by the Federal Transit Administration and, in terms of having State

level agencies doing the State safety oversight for a major rail transit system, it is fairly common to use this approach nationally.

Ms. NORTON. Well, what role does the Department of Transportation of the various agencies play other than pass through? Do they consult you? Do they advise you? Is their expertise necessary?

Mr. BASSETT. They are our employers. We are part of the team. I think probably the most noteworthy thing, especially recently, is that with the creation of the TOC Executive Committee, thanks to the leadership of the two Governors and the mayor, we now have access on a regular basis to the secretaries of transportation for Maryland and Virginia and to the director of transportation for the District of Columbia.

So our being a part of these transportation agencies has, especially since the White Paper, permitted us access to senior transportation leaders who previously might not have been available to us as quickly.

Ms. NORTON. So you don't perceive any interference from them with respect to your independence or duties?

Mr. BASSETT. They are an integral part of our leadership, and I would say their role is to help us perform our duties.

Ms. NORTON. They give you advice and counsel and technical expertise and the like? Is that what they do?

Mr. BASSETT. We have access to those things from both our leaders and other personnel within our agencies. So yes.

Ms. NORTON. Mr. Garland, we have heard testimony here without much detail about the new whistleblower protection policy. The Federal Government has an awful record on protecting whistleblowers except it might not be as vital if you are a functionary in the Department of Education, but if you are a common carrier, it would seem to me that whistleblower protection would be of the highest order, which would mean that the worker could blow the whistle on issues without facing punitive measures.

Have you any view on the new whistleblower protection policy and the so-called safety hotline, I think that is the name that was used, that has been initiated?

Mr. GARLAND. I am familiar with the Safety Hotline. The Safety Hotline has always been there for the employees to report safety issues and things of that sort. I think what we are dealing with is a culture of workers that, over the years, were basically working in a work force where the solution to everything was to increase discipline on the work force, so they are more so reluctant to come forward with information as far as, my coworker may be doing something, or if I am doing something and I want to come out and share that information with other workers so that no one has to go through what I went through, and things of that sort. So to get this workforce to buy into a new safety culture, it is going to take more than just throwing that term out there.

There is a real disconnect in the Agency with the work force and management, and it really has to be addressed before we can move forward. Like I said before, we can throw the money at the infrastructure and the safety mechanisms in WMATA, but there is a human element as to workers wanting to do their job and to feel good about what they are doing, and more so being their brother's keeper, and that is their coworkers and things.

Ms. NORTON. You seem to indicate that besides the safety culture there is a whole workers culture or worker/management culture that Metro needs to work on.

I would like to know from Mr. Sarles and Ms. Hersman in particular how a non-punitive safety culture fits in with the whistleblower and the hotline notion. I mean, do you need whistleblowers as much if you have a non-punitive safety culture of the kind, for example, that they have in the airlines and rail? Or would whistleblowers and hotlines be just as necessary if this non-punitive safety culture were to evolve in Metro? How do the two fit?

Ms. HERSMAN. Well, I think it depends on how robust and positive the culture is, and so my question would be how many calls do they get in to that hotline, and are they calls that effect change. Do they use those calls to change what is going on?

I know that everyone throws around the term of safety culture, and it is sometimes a little bit ambiguous to understand what the point of a safety culture is, and if you don't have trust within an organization, if you don't have confidence that things are going to be acted on, it does create problems.

One of the things that we talk about with respect to a safety culture, some of the things that we saw at Metro about their ineffective safety culture was that they were focused on operations, that they didn't have adequate information about critical safety issues within the organization; their organizational structure didn't effectively communicate.

One of the things we knew after those two close calls in Rosslyn, where we had the same problem occur but it wasn't identified, we had a train stop under the river, we had another train approach in automatic, and the operator saw that they were getting too close. They applied the emergency brakes. Very close call. They moved forward. It happened again with another train.

I think the learning lesson there was that they tried to identify what the problem was, they couldn't quite figure it out, and so they really wanted to get back into service quickly, so they just replaced everything and moved on.

The engineering department did go further. They did take a look at what happened, and they developed this test to make sure that a track circuit worked, so you have the engineering department that has identified the problem, but here is the maintenance department, and they don't take this new procedure, throw it over the wall, and apply it for the maintenance people. So when we went onsite and we interviewed the maintenance personnel that had done some of the work right there at Fort Totten in the days before the accident, they weren't familiar with this procedure, this procedure that existed for a long time.

Metro had requirements that employees had to sign and initial procedures when they came out, but if you have multiple employees who don't understand a procedure and it is not being effectively implemented, that is a breakdown. That is a breakdown in the people that are here supervising how do the engineering and maintenance folks work together, and what do the maintenance people do and what do they know every day.

So you have to be able to take those issues and break them down and say what happened? What failed there? You want to have an

informed culture so the people who are operating and managing the system have knowledge about the factors that are affecting the system. You want to have a reporting culture, and this is what we are talking about when we talk about non-punitive reporting. People can report safety concerns. They can report errors that they have made and near misses in a just culture so people are encouraged and rewarded for providing safety information without fear or blame.

If you have an effective safety culture, it is flexible. It can change. It can adapt. A learning culture. So you have to be able to have the willingness and the competence to get those lessons learned, to draw them, to change things.

It is not something that is going to happen overnight, and there is going to have to be a lot of confidence-building measures to take place with the employee work force so they are full participants in this culture, so that they feel like they own it and they feel like they are a partner. That is why our recommendations both to the Federal Transit Administration to establish this system-wide across the country and to Metro talk about all of the pieces that really need to be involved to make this a success.

If you are not getting a lot of calls on your safety hotline, people don't have confidence in it and they are not using it. When we look at an airline with a robust reporting culture for pilots, they get 10,000 reports a year. I wonder how many calls they get on the safety hotline?

Ms. NORTON. Mr. Sarles may want to answer that. He also may want to respond to Ms. Hersman's notion of what sounds like a classic stovepipe culture where the maintenance did not know about the issue she described. Has that been remedied?

Mr. SARLES. Certainly there are a lot of silos in Metro. As I said before, we have started on the path to remedying those things. I will not sit here at this point and say it has all been remedied. We have a long way to go.

I will agree that when that safety culture is in place and when there is a trust that is referred to before, there will be actually, in my view, less need for a safety hotline because if there is truly a trust between the workers and the managers and the feeling that information can be shared without retribution, then people will not have to be a whistleblower and they will not have to use the safety line. But it is going to take a long time to get there. In the meantime, with those tools available, at least if someone feels there is going to be retribution they have a channel to do it, and if they call the safety hotline the call is treated anonymously.

Ms. NORTON. Mr. DeBernardo, I have a question for you, but I think I am going to defer to Mr. Bilbray now, who hasn't had the opportunity to ask any questions.

Mr. BILBRAY. Thank you, Madam Chair.

What is the headways during the rush hour?

Mr. SARLES. It is around 3 minutes. Depends.

Mr. BILBRAY. Three minutes. Is every heavy rail in the country operating with an automated system with a manual override?

Mr. SARLES. Generally most systems in this country are manual. They do not have Automatic Train Operation. WMATA was more advanced than that.

Mr. BILBRAY. Well, let me answer that and come back, because I know that BART, when I was involved in the transit system, I ran into BART and a couple others that really questioned the automated system for a safety reason, mostly because of the relationship between humans, the attention span of humans, and when they go down.

Are you saying that the majority of heavy rail operators in this country are operating with a manual operation and then—let me just say this and allow you to sort of counter it—I was told that the safer system would have been a manual operation with electronic override, because the fact is the human, when they are not engaged, will not have the attention span to engage. When you need them, they are not going to be there, was basically the argument.

I want to open that up. I know this is an issue that all of us in transit bounce back and forth, but I would love to hear your argument on the counterside on that issue.

Mr. SARLES. Well, my experience has always been with a manual system, so it is a little hard to argue since I have only been here for a few months.

The obvious advantage of an Automatic Train Operation is that you can probably get a little bit more capacity and more reliability.

Mr. BILBRAY. In theory your headway is going to be smaller?

Mr. SARLES. A little bit. But, more importantly, just like when you are driving a car down a highway, if one person slows down a little bit more than the other, just for whatever reason, you will tend to slow the rest of the traffic. The same thing can be when you are in manual operation. One operator will operate just slightly differently than the others, maybe slow down in one area that another one would not, so that will tend to reduce your capacity.

However, especially in my view here in regard to WMATA, before you can return to an automatic train operation you have to do that complete system safety analysis that the NTSB has recommended and carefully review the results of that, and then the Board at that time, with the expertise that we provide to it, will have to make a decision on that.

Mr. BILBRAY. You remember in the 1970's the big argument, the engineer said the human didn't even have to be on the car. The lines I got while we were designing our systems was that you are going to have to have them in the cars anyway, and if they are sitting there doing nothing you not only lose attention, you end up having to pay them more for doing nothing, because the stress, basically the fatigue, is higher for doing nothing than actually engaging.

Do you have any experience in the relationship between that automated system?

Let me just say this up front: I have to believe with modern technology that there is a way to integrate these two components and get the advantage of the human being in there and tap more into the advantage of the human, but still being able to utilize technology.

A good example is this configuration of how close the cars operate, or whatever. I think there are ways that technology, especially with the new high-tech stuff going on, that we can really take ad-

vantage of increasing efficiency still more, but having more safety, and really tapping into the safety of having a human in the cab. The oversight people at all even consider looking at that in this report?

Ms. HERSMAN. The Safety Board has looked at automation in all modes of transportation, and you raise an excellent point, because one of key issues is that you have to get the human in the loop, and so, with respect to human-centered automation, the Safety Board sees technology and automation as being a very powerful tool to provide a safety redundancy to human beings in the event that they have lapses, errors, failures, mistakes.

It is very important to keep the human in the loop when you are designing a system. In fact, we made a recommendation to Metro coming out of our 1996 investigation of a Shady Grove accident. At the time Metro was operating in automatic all the time—it occurred on icy rails where there wasn't good traction for the wheels—the train over-spiced, and the operator was not able to stop as it came in at the end of the line and it hit another train.

We actually made a recommendation to Metro that they needed to train their employees to operate in manual and not rely on automatic all the time, and to recognize that you can't always rely on the technology to operate the train.

So, based on that recommendation, Metro did change how they operated their trains, and they operated them in automatic during rush periods but in manual during other periods, and that was significant, because after this accident they went to all manual on all lines all the time. They had a work force that was experienced operating in manual that might not have otherwise been if they hadn't changed the mix.

So we have found that automation can be a problem, whether it is in aviation in the cockpit, on the trains. We do see technology as a backup or redundant system for human failure.

Mr. BILBRAY. OK. Thank you.

I apologize, Madam Chair, but these things really are big questions. I know that it was openly debated in the 1970's. I am old enough to remember that. But there are still schools of thought here. I just think there is a whole lot of difference between having technology back up human and a human backing up technology, because technology traditionally does not fatigue, does not text, does not get distracted, and that can't be said about human beings. I know this seems like nit picking, but I think it can be a major critical issue, and as soon as I saw this accident, as somebody who comes from a transit background, that was the first question I had.

I appreciate the chance to be able to dialog here and I appreciate the open and frank discussion on this.

I yield back, Madam Chair.

Ms. NORTON. Thank you very much, Mr. Bilbray.

Final question for Mr. DeBernardo. Mr. DeBernardo, we have spent this time exclusively discussing Metro rail because of the NTSB report and the spectacular nature of that tragedy, not to mention the other accidents where workers, for example, were killed, but I believe the riding public that you represent, in terms of the record of this hearing, would also want the riders' perspective on safety challenges confronting Metro bus and Metro access

riders. I say that not in the abstract. We have had serious accidents here involving Metro buses at the same time there were Metro rail accidents. Could you comment on that for us?

Mr. DEBERNARDO. I think the concern in those areas in terms of Metro access and in terms of Metro bus have to do not with technology but with human error, with problems with lack of attention.

Ms. NORTON. Traffic.

Mr. DEBERNARDO. Traffic, and not mechanical failure. And then with Metro Access, in particular, the problems that we have seen in the news with not transportation issues but the sexual assaults that have occurred due to subcontracting out and not sufficient oversight of employees in those areas because of subcontracting.

Ms. NORTON. Those have been very concerning to us all. We don't want to get off into another subject at this hearing, but we want to note those matters for the record.

The chairman had indicated that he would make every effort to be back. He has now sent word that it has become impossible for him to come back and has asked me to thank all the witnesses and Members who attended this hearing today.

There may be questions submitted to you in written form. Members will have 10 legislative days to do so.

The subcommittee and full committee look forward to continuing this very important beginning dialog following the NTSB report.

Could I just say, with respect to the quality of testimony that we have heard here today has been superb and invaluable, and we thank you very much for your testimony.

This hearing is adjourned.

[Whereupon, at 4:12 p.m., the subcommittee was adjourned.]

[The prepared statement of Hon. Gerald E. Connolly follows:]

Opening Statement of Congressman Gerald E. Connolly

NTSB Report on the June 22, 2009 Metrorail Collision

September 23rd, 2010

Thank you, Chairman Lynch for holding this important hearing. Since this tragic Metrorail accident occurred more than a year ago, our community has engaged in a wide ranging discussion about how to improve safety at Metro. At a previous hearing before this Committee, FTA Administrator Peter Rogoff suggested that many safety recommendations could be implemented at no cost. The NTSB report clearly demonstrates how inaccurate that testimony was: Just replacing WMATA's 1000 series cars will cost \$850 million, while implementing other NTSB recommendations will entail at least \$150 million above and beyond WMATA's current budget. In addition, other NTSB-recommended improvements will add costs that WMATA currently can't afford. As we consider how to pay to implement these safety recommendations, however, it is incumbent on elected officials to remind our constituents that Metrorail is still *the safest* mode of transportation in the National Capital Region. Fatality rates on highways are twice as high (per passenger mile travelled) as they are for transit. While approximately 30 automobile drivers perish every year just in the District of Columbia, Metrorail has less than 0.5 fatalities per year for operators and drivers since 1982, which includes not only D.C. but also Virginia and Maryland.

While Metrorail is still much safer than automobile travel, the federal government has a responsibility to make the investments that will further improve Metrorail's safety and reliability. On the average work day 40% of Metrorail passengers are federal employees, and half of Metrorail's stations serve federal offices or major tourist destinations like the Mall. Despite federal dependence on Metro, however, the federal government does not pay a dime in operating expenses, and we just started allocating regular capital funding last year, which will be matched by Virginia, Maryland, and the District of Columbia. Given the burden the federal government places on this system, where each federal commuter's fare does *not* pay the per capita cost of using the system, we cannot possibly expect to enjoy a sufficiently safe system unless we are willing to pay for it.

We cannot expect a free lunch consisting of federal safety mandates without funding. While such an approach might earn headlines for those of us who legislate, it would do nothing to improve safety for Metro riders or employees. While there may be an appropriate place for additional federal oversight, it will not be efficacious in the absence of federal operating funding. In a previous hearing before this Committee, WMATA Board of Directors Chairman Benjamin correctly assigned responsibility to the federal government, stating, "Our state and local funding partners are doing what they can to...maintain our system in a state of good repair. The key to our ultimate success, however, rests with...Congress and the Administration."

The Northern Virginia Transportation Commission (NVTC) wrote to me in March to ask for federal operating funding for Metro. In that letter, NVTC warned, "If WMATA is allowed to slip too far down the slope of deferred maintenance and mechanical failure, it is unlikely we will ever be able to return to the high performing transit system the region has come to expect." The testimony from Oversight's previous hearing reinforced the need for federal funding. Some have suggested that we can create a "safety culture" at WMATA at little to no expense. This would be a convenient answer for politicians who would then be off the hook to provide appropriate funding for Metrorail but would fail to make the necessary infrastructure improvements to improve Metro safety. I appreciate this hearing because it allows us to begin accounting for the costs of improving safety at WMATA. The next step is to determine how we can allocate federal operating funding for what can be called "the nation's subway system."