

**TRI-STATE OVERSIGHT COMMITTEE
IN-PERSON MONTHLY MEETING
Meeting Minutes July 9th, 2008**

The Tri-State Oversight Committee held their scheduled monthly meeting on Wednesday, July 9th, 2008, from 10:00 am to 1:30 pm at the Northern Virginia Transportation Commission Offices in Arlington, VA. The first portion and second portions (10:00 to 11:15) consisted of a TOC/TRA-only meeting, after which WMATA representatives joined the meeting. The following were in attendance:

Name	Agency/Firm	Position	Phone	E-mail
John Contestabile	MDOT	TOC Chair	[REDACTED]	[REDACTED]
Eloy Recio	VA DRPT	TOC member	[REDACTED]	[REDACTED]
Eric Madison (via phone)	DDOT	TOC Member		[REDACTED]
Natalie Jones-Best (via phone)	DDOT	TOC Member		[REDACTED]
Ronald Edwards	WMATA	System Safety	[REDACTED]	[REDACTED]
Klara Baryshev	WMATA	System Safety		[REDACTED]
Hubert King	WMATA	Transit Police	[REDACTED]	[REDACTED]
Darren McCoy	WMATA	System Safety	[REDACTED]	[REDACTED]
Thomas Luglio (via phone)	TRA	TOC Consultant	[REDACTED]	[REDACTED]
Robert Kogan	TRA	TOC Consultant	[REDACTED]	[REDACTED]
Brian Glenn	USDOT-FTA	Meeting Party		[REDACTED]
Dorsey Adams	WMATA	System Safety		[REDACTED]
Sharief Hashim	WMATA	System Safety		[REDACTED]

Accomplishments of the Meeting included the following:

First & Second Portion (10:00 to 11:15) TOC and TRA Only

1. Review/Approve Agenda (Chair)

- The meeting was initially delayed due to problems with the conference bridge. Natalie Jones-Best coordinated the use of a DC Homeland Security & Emergency Management Agency (HSEMA) conference bridge.
- Meeting commenced at 10:18 once all TOC and TRA personnel were on the line. TOC members approved the draft agenda.

2. Internal TOC-related Issues (TOC/TRA)

- **Virtual Approvals**

There were no virtual approvals during the recent period. In-person work sessions have helped to reduce some of the need for these.

- **Meeting Minutes Approval**

Natalie Jones-Best made a motion to approve the June 2008 meeting minutes and John Contestabile seconded it after a review of open action items from that meeting. The minutes were approved without further comment.

- **TOC Membership Changes**

In Sharmila's absence, Tanya Husick will be returning as a TOC member for the time being. The recent action item requesting that she return her TOC badge is therefore unneeded.

- **Recent Correspondence**

TOC has not yet received a response to its letter to Gerald Francis regarding the railcar door-opening issue. TOC will need a written response to this letter.

- **Status of MD, DC Funding (Chair, Vice Chair)**

Matt Bassett stated that the Metropolitan Washington Council of Government's (MWCOG's) delayed response to requests for financial information has held up Maryland's \$60k payment. When MWCOG provides this info, MD can release the \$60k funds and then another \$40k from FY09 monies. (**NOTE:** This has been resolved as of August 4th, 2008.)

Eric Madison stated that DDOT has received final approval for their FY08 payment of \$150k. The check should arrive at MWCOG on or around August 5th, 2008.

- **Status of the Internal TOC Operations Manual (ITOM)**

Tom Luglio summarized TRA's response to the proposed ITOM updates. TRA is concerned that the proposed revisions would unnecessarily restrict their ability to coordinate with WMATA, schedule meetings, and undertake regular day-to-day tasks. As an example, Tom stated that Robert Kogan would have been unable (under the proposed revisions) to schedule the recent WMATA/TOC work session. John Contestabile pointed out that Robert had already been deputized by the TOC to do so, consistent with proposed revisions. Tom also stated that a number of tables were out of date, and the ITOM should reflect the proposed TOC "subcommittees."

John Contestabile expressed his support for revising the ITOM to include subcommittees. Rob Kogan suggested that the TOC Program Procedures and the TOC Program Standard be integrated into one document. This would provide a guidance document (outlining **what** will be done) and keep the ITOM as an implementation manual (specifying **how**). John, Eloy Recio, and Matt Bassett agreed.

Action Item: John Contestabile directed Tom and TRA to begin integrating the Program Standard and Program Procedures into a unified document.

3. Determine Venue for Future Meetings

- With Sharmila Samarasinghe's departure from the TOC, the NVTC facility has been reserved for the rest of the calendar year. After that a new facility will need to be located. **(UPDATE:** Problems with the conference bridge have been resolved and TOC now has the appropriate access code for the VDOT line- the "leader" pin number is 1079.) Natalie Jones-Best has access to a conference room at HSEMA that may be suitable and MDOT's newly transit-accessible headquarters can also be used. John Contestabile pointed out that work sessions will continue to occur at WMATA. The TOC agreed to continue using the NVTC facility until the end of CY08.

- **Memorandum of Understanding**

One more round of comments is necessary for the legal input on the MOU. The District's council had some questions which Eric addressed, but hopefully there will be an update within a week or so. The next round of MOU comments will need to be addressed on a formal hard copy. **Action Item: Matt will draft a cover memo to go with the hard copy of the MOU. All TOC members will check with their legal counsel to get the status of their MOU input.**

- **Status Report to FTA**

Tom and Robert Kogan provided an overview of the status report recently submitted to FTA responding to their TOC SSO audit findings. Many items are still listed as "pending" and require TOC action to complete. Due to information technology problems, Maryland has not received some of the documents. John asked Tom Luglio to parse out the FTA audit response action items by committee and distribute them by the end of the week. **Action Item: Tom will break out FTA audit response items by subcommittee by the end of the week. TOC will assign members internally to each subcommittee.**

- **Overview of Work Sessions**

Matt Bassett provided an overview of the July 2nd work session between himself, Ronald Edwards, and Robert Kogan which involved reviewing the incident and hazardous-condition tracking database. In this work session, many incidents were identified for recommended closure. (Noted on current version of the spreadsheet.) Many of these were suicides or attempted suicides, and the group was able to recommend closure after Ron obtained further information and confirmation from MTPD. The multiple fire incidents from August 2007 will be combined into one overall incident and a comprehensive report prepared for TOC's review.

Matt mentioned that for a small number of older incidents, WMATA has been unable to find any information due to personnel turnover and inconsistent record-keeping by some previous safety personnel. Matt recommended that TOC allow WMATA to make their case to close these incidents in writing. Natalie Jones-Best was concerned about the appearance this might convey of closing out incidents with insufficient information. Matt added that this course of action would put the onus upon WMATA to put these incidents into context and make a strong case for closure. The TOC concurred that this would be acceptable.

The TOC then adjourned to bring in the participants from WMATA and FTA.

Third Portion (11:15 to Noon) Including WMATA and FTA

4. External TOC (WMATA and other related) Issues (WMATA)

- **Introduction of Rail Safety Officers**

Ron Edwards introduced some of his Rail Safety Officers, who are responsible for accident/incident investigations and may contact TOC members for notification purposes in the future. They are also available for further information or follow-up if the TOC has questions about a report. John Contestabile expressed his appreciation for opening these new lines of communication.

Dorsey Adams asked for some clarification on what TOC looks for when they respond to an incident scene. John provided an overview of the 49 CFR Part 659 requirements, as well as some comments on TOC's general approach while on scene of a major incident. John emphasized that TOC members try to stay out of the way on most scenes, shadowing Safety personnel and asking questions when necessary. While TOC has broad authority to conduct its own investigations, we try to partner. Matt mentioned that on-scene presence helps TOC to stand behind WMATA reports on larger incidents.

Ron Edwards stated, in response to this, that the June 9th, 2008 derailment has changed some scene access rules. MTPD, as the on-scene incident commander, now authorizes SSRM to enter scenes and conduct investigations. Discussions about the finalization of these procedures are ongoing. Ron committed to including TOC in this process.

Action Item: Ron Edwards will ensure TOC is informed and included in the development of new scene access control procedures.

- **WMATA-Approved Safety Vests**

Pursuant to an action item from the June meeting, John asked Ron if WMATA could provide the TOC with reflective vests approved for track access. Ron explained that the soonest vests might be available, would be December of 2008, and each department had its individual logo customized onto them. They are arriving in batches of 400.

Ron recommended that TOC members get the specifications for the vests and purchase them independently, as this would be faster and would not leave TOC personnel with vests that might identify them as being from a different department. Ron offered to provide the specs to TRA to begin the process as well as making contact with WMATA's vest vendor.

Action Item: TRA will procure ANSI Class III and WMATA-compliant vests for TOC members and appropriate TRA personnel.

- **Safety Initiatives: Monthly Briefing**

Ron Edwards mentioned that Safety Conversations, as part of the DuPont Program, are being rolled out. Safety officers must first be trained in how to conduct them. A database will be put in place to track them.

- **Corrective Action Plan Closeouts**

Robert Kogan provided Dennis Womack-Kalla's recommendations on specific corrective action plans recently submitted by WMATA for closure. CAPs 24, 37,

and NTSB-7 were recommended for closure, while CAPs 42 and APTA-5 were not recommended. TOC then accepted the recommendations for closure via a voice vote.

Ron asked for clarification on how to go about closing APTA-5 in light of union contract issues and the collective bargaining agreement. He pointed out that WMATA has a fixed pool from which to hire (bus operators) and it would make this CAP very difficult to implement. John stated that while the overall goal of APTA-5 (which recommended raising the hiring standards for rail operators and station managers) may not be met, it is important that WMATA document their discussions with the union on this as a step towards closeout. Brian Glenn concurred and emphasized the importance of documenting the discussions even if the end result could not be achieved.

- **WMATA/TOC Work Session Results**

Ron Edwards stated that the safety officers had been doing a great deal of legwork to provide information and help close out some of the open incidents. With the closeout of a number of July 2nd-identified incidents, we can cut the list of open incidents in half. John was encouraged by the progress and expressed his support for moving forward and keeping open incidents and CAPs to a much more manageable level.

John moved to accept the recommendations of the July 2nd work group and to formally adopt WMATA's draft final reports as TOC's own, a motion that was unanimously accepted.

- **Open Incident Updates**

Ron Edwards provided an update on certain open incidents of note at the TOC's request. The June 9th derailment was *not* a result of a heat kink as had been reported, rather the fault seems to be a track issue. Loose fasteners or torquing may have resulted in a possible gauge problem. It is not a railcar issue. The investigation is focusing on track, but WMATA is still collecting data. All results will be verified through a consultant who will serve as a technical, third-party expert.

The June 13th fires at Metro Center were caused by stray current and related to power outages in the area. The July 2nd cracked-rail incident has been entered into the HIRM. Eloy Recio asked, and Ron clarified, that cracked rails also cause track circuits to fail. John asked whether or not speed restrictions or single-tracking is put into effect when OCC receives a circuit-down alert. **Action Item: Ron Edwards will follow up on OCC procedures for when track circuit failure signals are received (i.e. single-tracking, speed restrictions.)**

- **New Accident/Incident Fact Report Form**

Matt Bassett asked about the status of the proposed revision to WMATA's fact report form. This document is awaiting Ron Keele's final approval and once approved, will require training for those personnel required to use it. John expressed his hope that some movement will be seen on this within the month. **Action Item: John Contestabile will follow up with Ron Keele on the status of the revised form.**

- **Security Audit Procedures**

Lt. Hubert King requested information on which procedures to use for internal security audits. Doug Durham should have those procedures and Hubert (or his successor) will review them and update as appropriate. **Action Item: Lt. King**

(or successor) will review and update Internal Security Audit procedures and submit to TOC for input.

- **NTD Compatibility**

Ron Edwards questioned why the SSO reporting criteria and the NTD reporting requirements are different, and hoped they might in some way be combined to reduce strain on WMATA resources. Matt explained that FTA had different offices that wanted different sets of data and didn't necessarily sync up. John followed up by saying that SSOs have been trying for years to streamline this process but the FTA and Congress were unable to reach an accommodation.

- **Followup on TOC Letter to Gerald Francis**

John brought up the letter that TOC had sent to Gerald Francis regarding the door-opening issue. Ron Edwards stated that a letter is on Ron Keele's desk. The investigation is complete. The issue lay with the operators forgetting the length of their trains and corrective actions (in the form of training) are already underway. **Action Item: Ron Keele will follow up in writing with the TOC.**

- **CAPs**

Ron Edwards is still waiting on some information on a few more CAPs to be able to submit them for closeout. Matt will follow up on their status. Matt thanked the safety officers for moving the work sessions forward by going through old files.

With no further business before the group, Matt Bassett made a motion to adjourn which was seconded by Eloy Recio. The group adjourned with no further comment.

Next TOC Monthly Meeting: August 13th, 2008 at 10:00 AM (NVTC)