

**TRI-STATE OVERSIGHT COMMITTEE QUARTERLY MEETING
FINAL MEETING MINUTES (Approved 2/13/08)
Wednesday, January 9, 2008, 10:00 AM
Northern Virginia Transportation Commission
4350 North Fairfax Drive, Suite 720, Arlington, VA (703) 524-3322**

The Quarterly Meeting of the Tri-State Oversight Committee (TOC) was held on Wednesday, January 9, 2008, from 10:00 AM to 12:45 PM. The first portion (10:00 to 11:00) consisted of a TOC/TRA-only meeting, after which WMATA and FTA representatives joined the meeting. The following were in attendance:

Name	Agency/Firm	Position	Phone	E-mail
Tanya Husick	VA DRPT	TOC Vice Chair	[REDACTED]	[REDACTED]
Freddie Fuller	DDOT	TOC Member	[REDACTED]	[REDACTED]
Natalie Jones Best	DDOT	TOC Member	[REDACTED]	[REDACTED]
John Contestabile	MDOT	TOC Member	[REDACTED]	[REDACTED]
Polly Hanson	WMATA	AGM – SSEM	[REDACTED]	[REDACTED]
Ron Keele	WMATA	Chief Safety Officer	[REDACTED]	[REDACTED]
Ron Edwards	WMATA	Mgr. Rail Safety	[REDACTED]	[REDACTED]
Doug Durham	WMATA-MTPD	Lt. Metro Police	[REDACTED]	[REDACTED]
Brian Glenn	FTA	Dir., DC Metro Office	[REDACTED]	[REDACTED]
Thomas Luglio	TRA	TOC Consultant	[REDACTED]	[REDACTED]
Joshu Shih	TRA	TOC Consultant	[REDACTED]	[REDACTED]

The Agenda is included at the end of these minutes. Meetings handouts and final versions of approved telecon minutes are included on the attached PDF file. Accomplishments of the Meeting include the following:

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

1. Review/Approve Agenda (Chair)

- TOC Members approved the attached Agenda.

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

2.1 TRA Contract Status

- Tom Luglio spoke to Sharmila Samarasinghe this morning and she said that the TRA contract modification for additional funding for 2007 and authorization for 2008 has been processed by the Washington Council of Governments, and that TRA should have received it. It had not yet been received. She noted that budget categories for the increased funding have not been defined. John Contestabile said that TOC would like to be within budget this year. TOC members discussed each jurisdiction's status in terms of funding contributions.

2.2 FTA SSO Audit Report: Response to FTA Findings (Due 1/11/08)

- Tom stated that the Draft FTA Response that he provided to TOC on 1/8/08 is very similar to the schedule he had previously to TOC, but indicated the

status of each item, giving credit to WMATA for several recent deliverables and to TOC for performing several reviews in response. TOC requested that Tom draft a formal response letter with attachments for TOC's review that requests FTA's approval of TOC's response. Tom assured that the 1/11/08 response deadline to FTA would be achieved.

- An update of the TOC Program Standard/Procedures and Internal TOC Operations Manual (ITOM) are required as part of the FTA Audit response. As directed by TOC, TRA has been holding off working on the updates pending the new contract and increased funding. Tanya Husick suggested that the deadlines suggested for drafting the updates and for TOC review be increased to the middle of February and middle of March, respectively. This change was made.
- Tanya believes that TOC needs to have an in-person meeting or telecon to discuss the proposed changes to the Standard/Procedures and ITOM. John suggested that TOC have a telecon in late February and have until mid-March to comment.
- Tom said that the revised Standard/Procedures and ITOM would need to address certain issues, such as the definition of immediate actions versus corrective actions, and others raised by TOC and TRA. Tanya said that issues like virtual approval also need to be discussed and defined.
- John said that the intention of the virtual approval process was to be used on a selected basis and not routinely. TOC needs this capability, but TOC does not want the virtual approval process to become the standard for doing business, where everything is a crisis.
- Tanya asked about proposed date changes to the timetable for updating the TOC Standard/Procedures and ITOM. Tom said to change 2/1/08 to 2/15/08 and 3/1/08 to 3/15/08 with the last two dates remaining the same.
- Tanya asked about GM certification. Tom said that Polly and Sharmila have had conversations about this issue. Tom said that FTA is unambiguous about the requirement as stated in their Final TOC SSO Audit Report dated 11/12/07 (Page 15): "In order to achieve compliance with Part 659 and the TOC Program Procedures, WMATA's General Manager must, on an annual basis, certify compliance with all elements of the WMATA SSPP and SEPP. Should the General Manager be unable to certify compliance, then he must indicate in the letter the actions being taken by WMATA to achieve compliance." Tanya is concerned that FTA sent a mixed message about the requirement, stating during the Audit closeout meeting that the requirement exists, but other properties' GMs don't give certifications.
- John said that TOC's position is that TOC should enforce the citation. WMATA, if they require clarification, should request it directly from FTA.
- Tom said that TOC and TRA will need to clarify to WMATA that all correspondence should be sent to all TOC members, and not just Sharmila and Tom.
- Tom noted that WMATA submitted the updated SSPP and SEPP for TOC's review and approval.
- TOC approved the summary table of TOC's response to FTA TOC SSO Audit Findings with the changes as discussed.

2.3 Progress on WMATA CAPs per 12/20/07 TOC/WMATA Meeting

- Tom said that he, Dennis Womack-Kalla (TRA), Sharmila, and Eric Madison had a meeting with WMATA on 12/20/07 to discuss open CAPs. The decisions made during that meeting were documented in the updated CAP spreadsheet in the e-mail that Tom sent earlier this week. Forty CAPs were approved; 45 CAPs were closed out. John and Tanya asked what the remaining items are from 2004 Triennial. Tom reported that 12 CAPs are still open from the 2004 Triennial. CAPs for the 2007 Triennial Review are due from WMATA and must be approved by TOC. They will remain open until closed by TOC. Tanya, John, and Freddie recommended that “Approved” be clarified to “CAP Approved” in the spreadsheet. John suggested adding a summary box at the bottom of the first page outlining the number of open CAPs and other key summary statistics. TOC moved to approve the list with John’s recommended changes.
- Tom said that the master spreadsheet contains all changes since his 12/19/07 e-mail and with updates from the 12/20/07 meeting with WMATA. Tom suggested removing items for which WMATA has not identified a CAP. TOC approving the master open and closed CAPs as of 1/4/08, as well as the recommendation of removal of items for which CAPs have not been defined.

2.4 WMATA Submissions for TOC Review or Approval

2.4.1 Ten WMATA Accident Reports (TRA Comments to TOC on 12/19/07)

- TOC approved sending the TRA comments and questions relating to these incidents to WMATA.
- The “Fact Report” used to document accidents in Maryland was discussed as a possible model for TOC. John said that he would have Matt Bassett provide a sample of the MDOT MTA 24-Hour Fact Form.
- Tanya suggested that TOC be stricter about requiring WMATA to provide timely accident information within 24 hours.

2.4.2 SSPP (Submitted by WMATA on 12/31/07)

- TRA is currently reviewing and will provide comments for TOC’s consideration. TOC needs to have comments on WMATA’s draft 2008 SSPP to WMATA by 2/14/08.

2.4.3 SEPP (Submitted by WMATA on 12/31/07)

- TRA is currently reviewing and will provide comments for TOC’s consideration. TOC needs to have comments on WMATA’s draft 2008 SEPP to WMATA by 2/14/08.

2.4.4 Two Evacuation Reports (Recommended by TRA on 1/2/08)

- TOC approved the closeout of these two incident reports that involved evacuations. John mentioned that Maryland MTA had a change of police chiefs recently and that MDOT devised a form for MTA Police to use for reporting. This form has expedited MTA Police’s reporting time significantly, sometimes to the point that MDOT staff arrives at the site before MTA System Safety arrives.

2.4.5 WMATA CAPs for TOC 2007 Triennial Review (Due 1/2/08)

- Tom reported that WMATA has yet to submit CAPs from the 2007 Triennial Review. In the next segment of meeting, WMATA should be asked about their progress on this regard.

2.5 TOC MOU Status

- Tom said that Ken Korach (TRA) has not received any responses from each jurisdiction's attorneys. John said that Ken asked each attorney if they were aware of a model MOU that could be used as a template for TOC, which resulted in no responses from the attorneys. John suggested that TOC instead fashion an MOU and send to each jurisdiction's attorneys for "approval," and this action will expedite the attorneys' response.

2.6 TOC Membership Update

- John reported that he received a nomination of a new TOC member from Maryland and has been playing phone tag with the contact. John is hesitant to send a recommendation to the Maryland Secretary of Transportation if this person is hard to contact. This person is currently with the Prince George's County (MD) Fire Department. There's a possibility that John may be switched to the Inter-Operability project full-time, making the appointment of a new Maryland TOC member necessary.
- Natalie reported that there a lot of re-organization at DDOT. The agency is looking to hire a full-time safety manager. One of the recommendations that Natalie and Freddie will make is that this person be assigned to TOC.
- Tanya reported that the Virginia DRPT has interviewed a candidate for the full-time SSO position that would probably be a TOC member for Virginia.
- Freddie reported that Eric Madison is not present today (at rail training in Wisconsin), and that this training is slowing the transition of Eric into TOC.
- John and Freddie suggested that the MOU should be amended to establish TOC staff support positions like the roles played by Eric and Matt.
- Freddie said that Eric will have more time than any other TOC member, and will be able to assist the chair in TOC duties, e.g., interaction with WMATA and TRA.
- John said that Matt moved to DC, and will be able to respond to DC-area incidents.

2.7 TOC 2008 Calendar

- TOC approved the Calendar, with the understanding that Tom will update it as new information comes to light.

2.8 Review Recent TOC Telecon Minutes (also see #7 below)

- This item was deferred to the WMATA portion of the meeting so that WMATA could review the minutes as well.

2.9 Dulles Corridor Project Participation in Safety Certification Working Group

- TOC decided to have this discussion at another time.

Second Portion (11:00 to Noon) Including WMATA and FTA

3. Introduction of Ron Keele (WMATA's new Chief Safety Officer)

- Polly Hanson introduced Ron Keele as WMATA's new Chief Safety Officer. Ron is a safety manager who strongly believes in oversight. TOC will be invited to participate in the latest rulebook revision. Polly said that WMATA's press release announcing Ron Keele's hiring was sent to Sharmila prior to his public introduction.

4. FTA SSO Audit Report – Discussion of Proposed TOC Response (Chair/TRA)

- For the first item, the dates will change slightly with respect to updates of Program Standards and Procedures: February 1 to February 15 and March 1 to March 15.
- Tom thinks the input received from WMATA on the structure of safety committees is satisfactory.
- Regarding item NC-3 TRA, TOC and WMATA had the meetings on CAPs on 12/20/08 and will have a similar meeting on accident/incident investigations. The meeting will go point-by-point so that TOC can approve and close out investigation reports.
- Item CR-1 is complete.
- Regarding WMATA staff vacancies, Polly said that WMATA is not really sure where this finding came from. Tanya said that if WMATA thinks that they have a normal level of vacancy, WMATA should advise FTA that this is the case. Polly said that she would be happy to write a letter to Mike Taborn (FTA) stating that the current WMATA vacancies are at a normal level. Polly left vacancies so that Ron Keele could perform an analysis of his staffing needs. John has no problem with Polly making such a statement to FTA.
- Tom reminded the participants that TOC needs to respond to FTA by Friday.
- Tom said for internal audits, WMATA has Annual Report submissions due by 2/1/08 that will include the 2008 internal audit schedules.
- Tom reminded WMATA that any correspondence from WMATA to TOC should go to all TOC members and TRA (because they maintain TOC's records) and not just the TOC chair.
- Tom requested Ron Keele's new contact information for the TOC Member and Related Organization Contact list.
- Ron Keele requested that all TOC safety-related communications go through him.
- For item NC-6 (GM certification letter), Tom does not think TOC and WMATA need to do anything retroactively; it seemed like FTA's statement in the audit report was very clear regarding the GM certification of the SSPP and SEPP. If the GM is unable to certify the SSPP and SEPP, he must define what is being done to correct deficiencies. Tom suggested that WMATA should express this concern directly to FTA if they believe that the requirement is not as FTA stated.
- John suggested that WMATA also talk to peer transit agencies for guidance to see what they do. Tom believes that the language in the original rule was ambiguous.
- Polly invited TOC to participate in WMATA Senior Safety Executive Committee (SSEC) meetings and in the rulebook update process.

- For item NC-7, Program Procedure time frames, WMATA can say that progress is being made.
- Item NC-8, relating to CAPs, will be discussed later during this meeting.
- For item NC-9, relating to hazard reporting, TOC will need to sit down with WMATA to discuss hazard management and review their comments on the Hazard Identification and Resolution Matrix (HIRM). WMATA has a draft procedure, which needs to be vetted by SSEC.
- For CR-4 WMATA indicated that they have drafted hazard notification and reporting thresholds.

5. External TOC (WMATA and other related) Issues (WMATA/TRA)

5.1 Progress/Status of TOC Action on WMATA CAPs

- Tom reported that on 12/20/07 TRA and TOC had a meeting with WMATA to discuss open CAPs. Tom will send the TOC-approved summary table to WMATA of the results of this meeting and additional clean up of the incidents for which CAPs have not been required. John stated that, according to TOC's tally, 40 CAPs were approved, 45 closed out, and 42 remain open. Only 9 items are left that have either no CAPs or have CAPs that have yet to be approved.
- Polly said that once TOC's and WMATA's CAP lists are reconciled, WMATA agrees to provide monthly updates of CAP status to TOC/TRA.
- Ron Keele requested that monthly TOC telecons become face-to-face meetings, at least for the next year.
- Tanya is not opposed to having face-to-face, so long as there is a call-in capability for quorum. Ron Keele believes that face-to-face is important in order to close out open issues. He does not plan to change dates from the scheduled 2008 telecon dates. Tanya said that TOC will need to check with Sharmila before approving.

5.2 CAPs for TOC Triennial Safety and Security Review

- WMATA was reminded that their submission of CAPs for the 2007 Triennial Review is overdue. They were subsequently forwarded by Ron Keele to TOC later in the day.

5.3 Hazard Identification/Resolution Matrix – Response to TOC Comments

- Tom asked Ron Edwards about the Hazard Resolution Matrix questions. Ron Edwards will send responses to Ron Keele that will be forwarded to TOC/TRA.

5.4 SSPP and SEPP – TOC Reviews Required

- Tom acknowledged receiving these documents on time. TOC review is underway and comments will be provided 2/14/08.

5.5 WMATA/TOC Progress/Status of Ongoing Accident/Incident Investigations

- Tom reported that questions and comments on ten different accident reports were sent to TOC/TRA. TOC approved sending them to WMATA, which will be done.

- Polly felt that toxicology reports are unnecessary and didn't understand why requests for toxicology reports were made previously. Polly believes that safety people do not need to get toxicology info for suicide incidents. John agrees in the case of suicides, but argued that there are other incidents where the toxicology report might be salient. Doug Durham said that MTPD, through a MOU with the District of Columbia, can only investigate suicides. Metropolitan Police (DC), by law, is the only party that can investigate homicides. Polly said that MTPD investigates people struck by trains (suicides) unless it's an accident, and Safety investigates accidents. Ron Keele suggested that maybe the toxicology report check-off may have gotten onto the form in reference to Drug & Alcohol tests for the operator. If so, the check-off needs to be re-named.
- John wanted to clarify that there may be instances where a toxicology report may be important. In those rare incidents where it is necessary, then TOC would like the results of the toxicology tests, with no identities released. Tom also suggested adding a check-off on the reports to identify if CCTV was available to capture the incident in question.
- Ron Edwards asked for clarification of the accident notification rule by phone or e-mail in two hours, per Procedures & Standards; 24 hours: the accident form; 10-day: status report. Tom mentioned that TOC is updating the Procedures & Standards, and encouraged WMATA to provide input.
- Doug Durham stated that there's a delineation between suicides, which are classified as accidents, and security incidents (i.e., Safety investigates accidents, MTPD investigates security incidents).
- John said that TOC is indifferent to where the notification/24-hour report comes from (MTPD or Safety); TOC just needs to somehow receive it. John suggested that the form would be an efficient mechanism for notification.

5.6 New Accidents and Incidents

- Ron Edwards provide a quarterly report (attached in the PDF file) summarizing accidents in the Fourth Quarter of CY 2007. This report should be consistent with all the accidents for which TOC was notified. Thirteen reportable incidents in Q4 2007. WMATA also had a multi-jurisdictional drill and a multi-jurisdictional fire rodeo.
- Tom asked Ron Edwards about the emergency drill and if the managers did a post-drill report. Tom asked Ron Edwards to forward this report to TOC/TRA. Polly said that there are 3 initiatives from fire departments (from UASI funds) moving forward, and that WMATA is purchasing cabinets that have bags with glow-sticks and bandages to be used in the event of a tunnel evacuation. These cabinets will be posted at the ends of platforms. WMATA will be receiving prototypes of carts from UK. Safety and security managers will be working with fire departments to educate the public about Metro.

5.7 Meeting of TOC and WMATA on Accident and Incident Investigations

- Tom will check with TOC and WMATA for participants' availability.

5.8 Internal Safety Audits – New WMATA Schedule Submitted

- Tom has built the new WMATA ISA schedule into the TOC 2008 Calendar.

6. TOC 2008 Calendar (Chair)

- Brian Glenn reported FTA quarterly meetings are the first Wednesday in February, May, August, and October. Tom will include this information into the TOC Calendar.

7. Review and Approve Recent TOC Telecon Minutes

7.1 November 14, 2007

- TOC approved the November 14, 2007 Monthly Telecon minutes. The final version is included in the attached PDF file.

7.2 December 12, 2007

- TOC approved the December 12, 2007 Monthly Telecon Minutes. The final version is included in the attached PDF file.

8. Other Business (Chair)

- Polly asked when WMATA will probably hear back from FTA regarding SSO audit and what the next step is. John said that TOC has to respond to the audit and will request prompt feedback from FTA. Polly feels that it would be appropriate to communicate positive reinforcement of FTA's initiative, i.e., that WMATA and TOC are working hard to address FTA's concerns.

9. Next TOC Monthly Telecon: Wednesday, February 13, 2008 at 10:00 AM

10. Adjourn TOC Quarterly Meeting (Chair)

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 - 2.2 FTA SSO Audit Report: Response to FTA Findings (Due 1/11/08)
 - 2.3 Progress on WMATA CAPs per 12/20/07 TOC/WMATA Meeting
 - 2.4 WMATA Submissions for TOC Review or Approval
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 - 2.4.2 SSPP (Submitted by WMATA on 12/31/07)
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 - 2.4.4 Two Evacuation Reports (Recommended by TRA on 1/2/08)
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 - 5.7 Meeting of TOC and WMATA on Accident and Incident Investigations
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(Discussion Leader)