

TRI-STATE OVERSIGHT COMMITTEE MONTHLY MEETING MINUTES
DRAFT MINUTES November 30, 2009
Friday, November 13, 2009
DC Department of Transportation, 2000 14th St. NW, Washington, DC
Call-In-Number: [REDACTED]

Attendees:

Name	Agency	Phone	Email
Eric Madison	TOC/DDOT/MTA	[REDACTED]	[REDACTED]
Matt Bassett	TOC/DRPT	[REDACTED]	[REDACTED]
Eloy Recio (via teleconference)	TOC/DRPT	[REDACTED]	[REDACTED]
Emile Smith	TOC/DDOT	[REDACTED]	[REDACTED]
Bernadette Bridges (via teleconference)	TOC/MTA	[REDACTED]	[REDACTED]
George Good	TOC/MDOT	[REDACTED]	[REDACTED]
David Harlan	TOC/DRPT	[REDACTED]	[REDACTED]
Gabe Klein	DDOT	[REDACTED]	
John Lisle	DDOT		
Alexa Dupigny-Samuels	WMATA – SAFE	[REDACTED]	[REDACTED]
Melvyn Henry	WMATA –SAFE	[REDACTED]	[REDACTED]
Darren McCoy	WMATA – SAFE	[REDACTED]	[REDACTED]
Dorsey Adams	WMATA – SAFE	[REDACTED]	[REDACTED]
Chief Mike Taborn	WMATA – MTPD	[REDACTED]	[REDACTED]
Lt. Jennifer Donald	WMATA -MTPD	[REDACTED]	[REDACTED]
Peter LaPorte	WMATA-EM	[REDACTED]	
Robert Kogan	TRA/TOC	[REDACTED]	[REDACTED]
Kenneth Korach	TRA/TOC	[REDACTED]	[REDACTED]
Tom Luglio (via teleconference)	TRA/TOC	[REDACTED]	[REDACTED]
Mike Flanigon (via teleconference)	FTA	[REDACTED]	[REDACTED]
Levern McElveen (via teleconference)	FTA	[REDACTED]	[REDACTED]
Brian Glenn (via teleconference)	FTA	[REDACTED]	[REDACTED]
Annabelle Boyd (via teleconference)	BCG/FTA	[REDACTED]	[REDACTED]

Name	Agency	Phone	Email
Jim Caton (via teleconference)	BCG/FTA	[REDACTED]	[REDACTED]
Jack Bleiberg	DHS/TSA	[REDACTED]	
Chuck Novick	DHS/TSA	[REDACTED]	
Stephen Klejst	NTSB	[REDACTED]	
Jim Remines	NTSB	[REDACTED]	[REDACTED]

First Segment (10:00 to 10:15) TOC Only

1. Open TOC-Only Issues (2010 RFP Revision, DC Funding)
 - a. The requisition for DDOT TOC funding has been approved and they are waiting for the check to be cut. Eric will update the group once funding has been received.
 - b. TOC members have reviewed the revised Request For Proposal for 2010 TOC consultant support and agree with it. Matt will transmit immediately to MWCOC.

Second Segment (10:15 to 11:15) TOC & TRA Only

1. Approve October Meeting Minutes.
 - a. The group discussed the need to take detailed minutes and keep accurate records of all TOC activities, as well as the possibility of posting TOC meeting minutes to the TOC website. The group discussed additional information that could also be posted to the TOC website, as it is administratively burdensome for all three jurisdictions to respond to duplicative FOIA requests. TOC also discussed the distinction between final work product for public consumption and internal communications and 'working' documents not for public release. **Action Item (Completed): TOC will review the October meeting minutes by COB Monday 11/16, and provide input for the First Segment to TRA.**
 - b. The group discussed the need to redact meeting minutes posted on the website for security sensitive information, critical infrastructure information, and personnel matters. **Action Item: Moving forward, TRA will redact the minutes and provide to TOC for posting on the website.**
2. Accidents and Hazard Management.
 - a. The group discussed the HIRM comments, and will provide a hard copy of those comments to WMATA-SAFE later in this meeting.
 - b. TOC discussed the results of the working meeting that took place 11/5 regarding accidents and hazards. WMATA indicated during this meeting that it is their goal to implement a software upgrade to the precision stopping software, though this is not as high a priority as the investigation into the root cause of the 6/22 accident, which is focused on the train control system. WMATA had also indicated that it would not be able to provide the desired written response to TOC questions regarding the "bellying" of the 1000 series railcars during the 11/5 meeting. Finally, WMATA had indicated to TOC that the investigation into the 3/2/09 ATP failure at Potomac Avenue was still ongoing.
 - i. **Action Item: Based on discussion and documentation provided to TOC at the 11/5 meeting, TOC hereby adopts the following**

accident/incident investigation reports: 24, 127, 188, 189, 197, 206, and 207.

3. Update on the TOC MOU (11/10/09 Revision). The group discussed progress on the MOU. MD, DC, and VA provided their comments, and K. Korach has worked to compile a final version, and had provided a final draft to the three jurisdictions for a final, high-level review.
4. Updates & Content Additions to TOC Website
 - a. See discussion above in 1a.
5. Status of FTA Audit Response Preparation.
 - a. TOC still requires a response from WMATA on the SSPP and the MSRP. (As of 11/25, WMATA has provided TOC with a draft SSPP (11/13), currently under review by TOC). At the 11/10 CAPTURE meeting, WMATA indicated to TOC that they would provide a status update to TOC on the MSRP.
 - b. The group discussed the latest FTA Audit Findings Tracking Matrix, which is due to FTA by November 23rd. TRA is assisting TOC with the compilation of documents and the disposition of each Finding.
6. Discussion of Rider Concern re: communications outage.
 - a. E. Madison was contacted by a concerned rider regarding an apparent communications problem.
7. Approval of internal memo re: 11/5/09 work session.
 - a. TOC adopted an internal memo summarizing the 11/5 work session for TOC records.
8. Update on FOIA from Washington Examiner re: 6/7/05 incident
 - a. (Not discussed)
9. Other issues
 - a. E. Madison had received a letter from the WMATA Board (attached) with an invitation to meet. Additionally, TOC has been invited to meet with the Senate Banking Committee.

Third Segment (11:15 to 12:00) Including WMATA, FTA, TSA, NTSB

1. Monthly Safety Initiatives.
 - a. D. Adams presented monthly safety initiatives, including discussion of work sessions with 'million milers,' a "Safety Pledge" signed by WMATA employees (**attached**); and the successes of the return-to-duty program.
2. Metro Emergency Management.
 - a. Mr. LaPorte discussed various Emergency Management initiatives underway at WMATA (drafting an Emergency Response Plan, a new Continuity of Operations Plan, COOP, and the "tunnel plug"), and gave an overview presentation of the department and its responsibilities (**attached**).
 - b. Chief Taborn commended the FTA safety and security team for their input into and coordination with the WMATA EM program, and invited TOC to participate in upcoming exercises.
3. Review October Meeting Minutes.
 - a. (Not discussed during this segment of the meeting. See discussion in second segment, 1a). It was mentioned that in the future the Draft Minutes would be provided to WMATA for their review before being approved by TOC.
4. Discussion of 11/10/09 CAPTURE Meeting.
 - a. TOC and WMATA discussed the results of the 11/10/09 CAPTURE meeting, which was attended by representatives from WMATA SAFE and RTRA (in addition to TOC). At the time of the meeting, TOC was unable to close any open

CAPs. (However, since the meeting, TOC is prepared to close a number of CAPs, which will be reflected in updated Master and Triennial spreadsheets and in next month's meeting minutes.):

5. Discussion of DOT Interaction re: WMATA Station Manager Substance Abuse Testing
 - a. TOC had asked WMATA to clarify some information that had appeared in the media regarding the apparent random testing of Station Managers. Station Managers are in fact not "safety sensitive" at WMATA and are not subject to random testing under DOT guidelines, or any internal WMATA testing program. WMATA indicated that the particular station managers had held other safety-sensitive positions previously and had tested positive at one point, and were thus subject to follow-up testing, even though they had changed job classifications. Chief Taborn requested that Jerry Powers provide information on this issue. A. Boyd (BCG) referenced an email conversation with George Good about a similar issue in Maryland, and will forward the "official" FTA opinion on the matter of Station Manager testing.
6. Update on TOC Access to the WMATA Right-of-Way
 - a. WMATA has granted TOC the requested access to the ROW, and a meeting is scheduled for this afternoon (11/13) between TOC and WMATA SAFE to discuss specifics.
 - b. Gabe Klein commented on TOC access to the ROW and its oversight responsibility, and the TOC-WMATA MOU. Chief Taborn commented on his previous experience as Director of the FTA Office of Safety and Security, and described WMATA's valid concerns in maintaining safety along the WMATA ROW.
 - c. TOC received two letters from WMATA – one from the Board requesting TOC participation in a Board subcommittee meeting on 11/19 regarding access to the ROW, and a second letter from WMATA SAFE specifically indicating that TOC may access the live WMATA ROW to conduct safety verification observations.
7. Update on WMATA Response to TCRP/APTA Survey
 - a. Alexa Dupigny-Samuels described WMATA's progress on the survey, which she indicated had already been submitted.
8. Update on 11/23/09 FTA Audit Submittal – WMATA & MTPD Deliverables
 - a. M. Bassett described a meeting held with MTPD regarding the WMATA SEPP and Internal Security Audits. TOC received the revised SEPP from WMATA 11/12, which is currently under TOC review.
 - b. T. Luglio brought up a number of sticking points regarding the BASE Review report, and indicated that an offline discussion would be held in order to resolve some of these minor issues.
9. Update on WMATA Deliverables to TOC
 - a. Rulebook. M. Bassett described the discussion during the 11/10 CAPTURE meeting regarding the rulebook (MSRPH). Dan Epps and Charles Dziduch from RTRA were present at this meeting and described rulebook progress. **Action Item (completed): WMATA will provide TOC with copies of minutes of the rulebook committee meetings to show progress on the MSRPH.** WMATA is still working on the SOPs, which will be part of the MSRPH. WMATA indicated to TOC that the estimated date of completion is now June 2010. (TOC reviewed the approved sections of the MSRPH on 11/25/09).
 - b. SSPP Update. **Action Item (completed): WMATA indicated that a draft SSPP was ready for TOC review and would be provided before COB today.**
 - c. WMATA Internal Safety Audit Activity – TOC received checklists from WMATA for SSPP Elements 1, 2, 3, 11, 14, 16, and 19. **Action Item: TOC will review the internal audit checklists and provide comments to WMATA.** TOC

emphasized to WMATA that SAFE employees should not be auditing implementation of SSPP sections 1, 2, and 3 due to lack of independence, and that this need for independence should be reflected in the checklists.

- d. Revised Accident Investigation Procedures. WMATA provided a hard copy of WMATA Policy Instruction 10.4/0 (Incident Investigation, **attached**). **Action Item (complete): TOC will review this document and provide comments to WMATA.**

10. Recent Incidents since 10/21/09

- a. No reportable incidents between 10/21 and 11/13. The group did discuss the thresholds for accident investigations, in response to a question by G. Klein. FTA and BCG commented on the ongoing backlog of open investigation reports owed to TOC.

11. Hazard Management Update

- a. R. Kogan summarized the 11/5 work session where hazard management was discussed, and the disposition of several hazards (see discussion in second segment, 2b).

12. Other Business

- a. D. McCoy brought documentation for CAP closure (**attached**). **Action Item: TOC will review this documentation and provide comment to WMATA.**

Next General Meeting: 12/9/09, Location TBD

Next TOC Internal Meeting: TBD

Meeting Adjourned.