



October 19, 2022

The Honorable Gerald E. Connolly
Chairman
House Committee on Oversight and Reform
Subcommittee on Government Operations
2157 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Connolly:

On November 5, 2021, the Washington Area Metropolitan Transit Authority (WMATA) Office of Inspector General (OIG) received a letter from the Subcommittee on Government Operations requesting that OIG examine all matters related to WMATA potentially withholding information from the Washington Metrorail Safety Commission (WMSC). Chairman Connolly raised further concerns about the effectiveness of the communications and working relationships between WMATA and WMSC, and expressed concern whether there was a consistent pattern of resistance within WMATA to provide WMSC with the information and access it needs to conduct safety oversight of the rail system.

OIG examined the effectiveness of WMATA's internal communications, information sharing, and working relationships with WMSC, with particular focus on the non-reporting of safety concerns involving the 7000-Series wheelsets. This report details our observations.

OIG conducted interviews with key WMSC and WMATA personnel. We paid special attention to those WMATA employees who were directly involved in the inspection and maintenance work for the 7000-Series fleet and safety reporting procedures. OIG also reviewed key documents.

Please contact me if you have any questions or need additional information. I can be reached at 202-962-1691.

Respectfully,

[Redacted Signature]

Rene Febles
Acting Inspector General

Attachment

**Washington
Metropolitan Area
Transit Authority**

Office of Inspector General
500 L'Enfant Plaza, SW
Suite 800
Washington, DC 20024
202-962-2400



October 19, 2022

A REPORT BY THE OFFICE OF INSPECTOR GENERAL

OIG 23-002

OIG Response to Congressional Inquiry – Communication between the Washington Metropolitan Area Transit Authority (WMATA) and the Washington Metropolitan Safety Commission (WMSC)

Office of Inspector General
500 L'Enfant Plaza S.W. Suite 800
Washington, D.C. 20024

Executive Summary

The Washington Area Metropolitan Transit Authority (WMATA) Office of Inspector General (OIG) received a letter from the Subcommittee on Government Operations requesting that OIG examine all matters related to WMATA potentially withholding information from the Washington Metrorail Safety Commission (WMSC) regarding the 7000-Series railcar wheelset movements and report our findings to the Subcommittee. Chairman Connolly raised further concerns about the effectiveness of the communications and working relationships between WMATA and WMSC, and expressed concern whether there was a consistent pattern of resistance within WMATA to provide WMSC with the information and access it needs to conduct safety oversight of the rail system.

Background

On October 12, 2021, a 7000-Series railcar derailed on the Blue Line between the Rosslyn and Arlington Cemetery stations. Consistent with Federal requirements for accident reporting, WMATA timely reported the derailment to the National Transportation Safety Board and WMSC. Those agencies, working in concert with WMATA's emergency response teams, immediately began a review of the derailment site and secured the trainset.

On February 9, 2022, the House Subcommittee on Government Operations held a hearing, "Washington Metropolitan Area Transit Authority's (Metro) Service, Safety, and Future," during which WMATA's Board Chairman, General Manager, Inspector General, and WMSC's Chief Executive Officer testified. At that time, the Subcommittee was provided with preliminary findings from OIG's ongoing review, including:

- OIG found no evidence WMATA withheld any information from WMSC regarding the wheel conditions affecting 7000-Series railcars.
- WMATA managed wheelset issues as warranty claims, not as safety hazards/safety concerns.
- WMATA's warranty processes were disconnected from the safety certification processes.
- Increased frequency of wheelset back-to-back failures year after year should have been reported as safety concerns.

Observations

OIG Finds No Evidence WMATA Withheld Information From WMSC Regarding the Wheel Conditions Affecting 7000-Series Railcars

The 7000-Series railcars were built by Kawasaki Rail Car, Inc. (Kawasaki) and initially placed into service in April 2015. Since 2017, there were 31 wheelset issues identified that were predominantly discovered during WMATA’s normal 90-day preventative maintenance inspection cycle. There were several options in place in 2017 for WMATA to report the wheelset condition as a higher priority safety concern versus a warranty concern. WMATA maintained a Safety Open Items List and Hazards Log for the 7000-Series railcars, but the wheelset issues were never included in those reports. Additionally, as more failures occurred, there was no trend analysis conducted or other review that sought to determine the root causes of the ongoing failures.

This occurred because inspectors and maintenance personnel believed their inspections were sufficient to capture minor wheel movement early, and Kawasaki was replacing wheelsets on a timely basis. Several maintenance personnel commented that the frequency of wheelset failures was never at a rate to call for a “fleet-wide defect” that would have triggered closer review and a potential fleet shut-down. However, a closer review of wheelset failures shows the number of failures increased significantly the year of the derailment.

Year	2017	2018	2019	2020	2021: Pre-Derailment	2021: Post-Derailment
Issues Identified	2	2	4	5	18	21

It was the confluence of these factors that resulted in the wheel conditions being relegated to another agenda item reported on Monthly Work Order reports. These monthly reports were widely distributed by Kawasaki to over 100 recipients, including senior Office of Chief Mechanical Officer staff as well as other WMATA employees, but the reporting of the wheelset issues higher in the chain-of-command within WMATA did not extend beyond the Chief Mechanical Officer (CMO).

Instead of classifying the wheelset issues as a safety priority, the issues were discussed with Kawasaki as a contractual performance concern under the Failure Reporting Analysis and Corrective Action System (FRACAS) provisions in the contract. The FRACAS contract meetings were not formal, and no meeting notes were taken. The highest level WMATA official receiving the FRACAS report was the CMO. OIG was informed that neither WMSC nor any other safety official was invited to or attended any FRACAS meetings.

OIG notes that WMATA is taking strong steps to further implement WMATA’s Public Transportation Agency Safety Plan and deploy a detailed Safety Management System. More specifically, as it relates to the wheelset issues, WMATA is taking the following actions:

- Revising its business processes for the project management of assets to include enhancements for Reliability Availability Maintenance and Safety (RAMS) management. The RAMS management efforts will include working with vendors to track reliability, availability, maintainability, and safety. This will involve ongoing formal meetings between vendors and WMATA's project team, safety team, quality team, and maintenance team.
- Making improvements to its Quality Management System to track performance of systems, subsystems, assemblies, and components that have a direct impact on safety or a safety-critical interface. Regular reporting on safety-related asset performance will be reviewed by management with any defects or trends reviewed and flagged for action.
- Developing a number of reports and a dashboard that tracks the performance of safety-related assets. WMATA is enhancing systems of record to allow for better data management and automated reporting. This will require a transition from paper-based records to electronic records, which is underway.

In April 2022, WMATA also announced that it had partnered with an advisory body with extensive experience in safety data analysis to assist in baselining the maturity of its safety culture and help enhance the Voluntary Safety Reporting Program (VSRP). The VSRP will complement other safety data collected to generate a more data-driven approach to safety risk management. Partnering with this advisory body over a three-year period to improve safety culture sends a strong signal that developing a stronger safety culture is one of WMATA's highest priorities.

Importance of Independent Safety Oversight and Need to Improve Working Relationships and Communications Between WMATA and WMSC

In assessing the effectiveness of the relationships between WMATA and WMSC and to determine whether there were any patterns of non-compliance, OIG interviewed personnel from both WMSC and WMATA. OIG's review found that some aspects of the relationships were managed more effectively than others.

On the positive side, OIG found that WMSC audits were coordinated effectively between WMSC and WMATA's Office of Quality Assurance, Compliance, and Oversight (QICO). QICO serves as the primary point of contact for providing requested documentation in advance of and during WMSC's audit work. QICO also helps coordinate WMATA's responses to WMSC's audit findings and Corrective Action Plans (CAPs). In 2021, QICO coordinated responses to 96 CAPs, six WMSC audits, and four safety findings.

OIG found that WMSC's interview and inquiry practices sometimes create confusion among WMATA personnel and inhibit an effective and collaborative working relationship. WMSC personnel stated they make inquiries with all levels of WMATA personnel on a frequent, if not daily, basis. However, these inquiries, conducted via phone or in person, are often informal and are not memorialized. WMATA personnel expressed confusion

about who officially “speaks” for WMATA or how information received by the WMSC is validated and kept up to date. Further, the absence of documentation or memorialization by WMSC prevents WMATA from substantiating the accuracy or validity of statements made.

OIG understands the importance of having free and unfettered access to employees, documents, and information relating to WMSC inquiries. However, there are obligations attendant to these inquiries that require close coordination and validation with designated points of contact who may provide additional information or fuller context in response to many inquiries. There are recognized standards and best practices for defining the optimal relationships between a State Safety Oversight Agency (SSOA) and a transit agency. The FTA has conducted several workshops and seminars emphasizing the importance of creating a collaborative relationship, versus an avoidance or combative relationship, between the SSOA and transit agency overseen.¹

OIG also found instances where differing perceptions of cooperation and disclosure negatively impact an effective working relationship:

- In October 2020, WMSC investigated a decoupling of a 6000-Series railcar. WMSC found WMATA personnel at all levels failed to safeguard the integrity of a safety investigation and manipulated evidence, according to WMSC’s characterization. WMATA personnel believed that WMSC mischaracterized a communication error as intentional manipulation.
- In June 2021, WMSC issued an order directing WMATA to grant full access to WMATA’s Closed Circuit Television System (CCTV). WMATA initially objected citing significant cybersecurity risks associated with allowing access to the CCTV system from outside of a secured firewall. Ultimately, secured access was granted to WMSC.
- During the WMSC’s 2021 Fitness for Duty Audit, WMATA did not provide Drug and Alcohol Screening records for Metro Transit Police Department (MTPD) personnel. WMSC directed WMATA to provide the MTPD records. WMATA believed the information exceeded the scope of the WMSC’s authority and appealed the directive. In accordance with WMSC’s Compact, WMATA was obligated to provide the documents while under appeal. In response to WMATA’s appeal, WMSC noted, in part, that the appeal was moot because WMATA had provided the documents. Ultimately, WMATA’s appeal was denied.
- In December 2021, WMATA failed to notify WMSC of modifications to inspection procedures for 7000-Series railcars. This failure resulted in WMSC halting the release of 7000-Series railcars into service.

¹ <https://www.transit.dot.gov/sites/fta.dot.gov/files/2021-10/State-Safety-Oversight-and-Rail-Transit-Agencies-Effective-Working-Relationship.pdf>.

- To satisfy a WMSC mandate, WMATA began issuing agency-wide quarterly advisories, stressing the need to cooperate fully with all WMSC inquiries. WMATA included a requirement to notify its Department of Safety (SAFE) of such inquiries in order to ensure accurate and complete responses. WMSC personnel believed notifying SAFE of inquiries may have a chilling effect on WMATA personnel's willingness to report issues.

OIG cannot overstate the importance of strong, independent safety oversight over WMATA's operations and programs. In the period during which WMATA acquired and deployed the 7000-Series railcars, WMATA has been overseen by three different independent safety agencies (Tri-State Oversight Committee, Federal Transit Administration's Office of Safety Programs, and WMSC). Each of these entities provided important audits, reviews, investigations, and reports that addressed safety concerns.² However, OIG believes it is impossible for these safety agencies to supplant the knowledge and observations of the employees who operate and maintain the system on a daily basis. In order for any safety oversight agency to be truly effective, there needs to be mutual cooperation, respect, and trust.

As the designated SSOA, WMSC occupies a critical role by conducting program oversight reviews to identify areas for improvement. WMATA and WMSC have a shared responsibility to identify, assess, and document mitigations of safety concerns and all CAPs.

While OIG does not have oversight responsibility over the WMSC, we make the following two recommendations to both agencies.

- 1) Improve communication by formally memorializing interactions between both agencies to ensure the existence of a documented record; and
- 2) Establish clear and concise, mutually agreed upon risk-based safety priorities so WMSC's expectations and WMATA's responses are aligned and focused on the highest safety risks to WMATA's customers, employees, and assets.

² It must be noted that some of the audits, reviews, investigations, and reports addressed did not involve the 7000-Series railcars.

TO REPORT FRAUD, WASTE, OR ABUSE

Please Contact:

Email: hotline@wmataoig.gov

Telephone: 1-888-234-2374

Fax: 1-800-867-0649

Website: www.wmataoig.gov

Address: WMATA
Office of Inspector General
Hotline Program
500 L'Enfant Plaza S.W., Suite 800
Washington, D.C. 20024