



COMMONWEALTH of VIRGINIA

Executive Department

Executive Directive 8 (2016)

STRENGTHENING STATE SAFETY OVERSIGHT OF THE WASHINGTON METRORAIL SYSTEM

Importance of the Issue

The Washington Metrorail system is part of the multimodal transportation network that supports the economic vitality of Northern Virginia. Recent ridership numbers indicate that Metrorail carries over 300,000 riders daily from Virginia.

Per Title 49 of the Code of Federal Regulations (CFR), Part 659 and its successor 49 CFR 674, the Commonwealth is responsible for overseeing the safety performance of the Washington Metrorail system, jointly with the District of Columbia and the State of Maryland.

Through recent investigations and inspections it has become apparent that closer attention to the overall state of good repair of the Metrorail system is necessary to ensure that appropriate repairs are sufficiently completed and our system is safe.

The new executive leadership at WMATA along with its board of directors have accepted the need for a new more comprehensive, systematic approach to rectifying the deficiencies in WMATA Metrorail, which have manifested in service disruptions and poor performance of Metrorail infrastructure, and caused casualties and serious injuries to the passengers and employees of the system.

On March 2, 2016, I signed a Memorandum of Agreement, along with the Mayor of the District of Columbia and the Governor of Maryland, to commit resources and staff, share information, and work together in a transparent fashion to develop strategies that will help to establish a new State Safety Oversight Agency that is fully compliant with enhanced federal requirements.

The Commonwealth of Virginia and its jurisdictional partners – the District of Columbia and the State of Maryland – are aggressively focused on formulating and passing legislation to establish a legally and financially independent State Safety Oversight Agency (Metro Safety Commission) scaled and resourced to match the complexity of the Washington Metrorail system.

The Metro Safety Commission will have various enforcement tools to carry out the rail safety oversight mandate of the three jurisdictions and the ability to compel WMATA Metrorail to take necessary steps to correct any perceived safety concerns.

Legislation will be introduced during the 2017 session of the Virginia General Assembly to establish the Metro Safety Commission which will be a part of an interstate compact.

In order to ensure a robust safety oversight regime is in place until the Metro Safety Commission is operational, I am directing Virginia's Secretary of Transportation and the Director of the Department of Rail and Public Transportation to implement the following steps to strengthen the safety oversight of the Washington Metrorail system:

1. The Virginia Department of Rail and Public Transportation (DRPT) shall take the following steps:
 - a. Draft proposed legislation to create the Metro Safety Commission that is consistent with the legal and financial requirements of the Moving Ahead for Progress in the 21st Century legislation (MAP-21) and 49 CFR 674;
 - b. Establish the necessary licenses, policies and procedures for the organizational operation of the Metro Safety Commission;
 - c. Determine the organizational structure, budgets, staffing, and qualifications of the Metro Safety Commission;
 - d. Review all accident investigations;
 - e. Inspect all public as well as non-public areas of the Washington Metrorail system to assess the health of operations and maintenance;
 - f. Assess the ongoing state of repair of its vehicles and static infrastructure to include traction power, automatic train control, tracks, structures, and all other facilities that support rail operations;
 - g. Examine the implementation of the Metrorail system's documented plans, programs and procedures pertaining to rail operations safety; and
 - h. Perform each of the above activities in concert and collaboration with the District of Columbia and the State of Maryland.
2. DRPT shall examine and pursue all available and appropriate remedies to ensure that the Washington Metropolitan Area Transit Authority complies with safety directives issued by the entity providing state safety oversight per 49 CFR 659 and its successor regulation, 49 CFR 674, including, but not limited to, the withholding of capital funds to the Washington Metropolitan Area Transit Authority. DRPT shall provide a report to the Governor no later than July 1, 2016, outlining the agency's proposed policies and procedures to implement and enforce this directive.
3. The Virginia Department of Rail and Public Transportation shall coordinate with the Washington Metropolitan Area Transit Authority and other providers of transit service in

Northern Virginia to increase bus transit service available to transit riders to mitigate the impacts of the Washington Metropolitan Area Transit Authority's SafeTrack program.

4. The Virginia Department of Rail and Public Transportation shall provide a status report on the execution of these strategies to the Governor and the Secretary of Transportation on a monthly basis until a Metro Safety Commission is certified as a State Safety Oversight agency by the Federal Transit Administration.

Terence R. McAuliffe, Governor

Attest:

Kelly Thomasson, Secretary of the Commonwealth