Tri-State Oversight Committee (TOC)

District of Columbia
Department of Transportation

Maryland Department of
Transportation

Virginia Department of Rail and
Public Transportation

TOC Program Standards & Procedures

FINAL

February 2009

THIS PAGE INTENTIONALLY LEFT BLANK

Revision Table

Revision Date	Description of Revisions
April 10, 1997	Original issue of *Tri-State Oversight Committee Procedures Manual*
July 15, 1997	Revised *Tri-State Oversight Committee Procedures Manual*
July 22, 1998	Revised *Tri-State Oversight Committee Procedures Manual*
October 6, 1999	Revised *Tri-State Oversight Committee Procedures Manual*
June 23, 2000	Revised *Tri-State Oversight Committee Procedures Manual*
February 16, 2006	Changed *Tri-State Oversight Committee Procedures Manual* to *Tri-State Oversight Committee Program Procedures* and created a separate document, *Tri-State Oversight Committee Program Standard.* Updated content to comply with Federal Transit Administration revised State Safety Oversight Final Rule (49 CFR Part 659), as issued April 29, 2005 and subsequent implementation guidance.
September 15, 2006	Response to FTA comments on May 1, 2006 Initial Submission and selected additional revisions.
February 12, 2009	To combine TOC Program Standard and Program Procedures into a single document

1. Introduction

This document, the Tri-State Oversight Committee (TOC) Program Standard & Procedures, describes the approach to implement the requirements of TOC's State Safety Oversight (SSO) Program as well as the associated methodology for reviewing WMATA's System Safety Program Plan (SSPP) and Security and Emergency Preparedness Plan (SEPP), and assessing their implementation. The TOC Program Standard describes the requirements of TOC's SSO Program, as well as the minimum content that TOC requires for WMATA's SSPP and SEPP. TOC will also use a set of internal operating procedures.

The TOC Program Standard Procedures are based upon the Federal Transit Administration's revised State Safety Oversight Final Rule (49 CFR Part 659), as issued April 29, 2005. Note that it has been determined that the SEPP, as defined by FTA Guidelines, meets the requirements for System Security Plans in 49 CFR Part 659.23. In developing its safety and security programs, WMATA should utilize the guidance provided by the FTA in the Resource Toolkit for SSO Agencies. Appendix A is the Memorandum of Understanding (MOU) among the three jurisdictions comprising TOC.

The following is a breakdown of which parts of the SSO Final Rule are covered in each document:

Section of Federal Transit Administration revised State Safety Oversight Final Rule (49 CFR Part 659), as issued April 29, 2005	Corresponding Section in TOC Program Standard & Procedures
§ 659.7 Withholding of funds for noncompliance	3. State Safety Oversight
§ 659.9 Designation of oversight agency	3. State Safety Oversight
§ 659.15 System safety program standard	
(a) General Requirement	
(b) Contents	
(1) Program management section	4. Program Management
(2) Program standard development section	5. Program Standard Development
(3) Oversight of rail transit agency internal safety and security reviews	6. Internal Safety and Security Reviews
(4) Oversight agency safety and security review section	7. TOC Triennial On-Site Safety and Security Reviews
(5) Accident notification section	8. Accident / Incident/ Hazardous Condition Notification
(6) Investigations section	9. Accident/ Incident/ Hazardous Condition Investigation
(7) Corrective actions section	11. Corrective Actions
(8) System safety program plan section	12. WMATA System Safety Program Plan
(9) System security plan section	13. WMATA Security and Emergency Preparedness Plan
§ 659.17 System safety program plan: general requirements	14. Annual Review of the SSPP and SEPP
§ 659.19 System safety program plan: contents	12. WMATA System Safety Program Plan Appendix D: SSPP Checklist
§ 659.21 System security plan: general requirements	14. Annual Review of the SSPP and SEPP
§ 659.23 System security plan: contents	13. WMATA Security and Emergency Preparedness Plan Appendix E: SEPP Checklist
§ 659.25 Annual review of system safety program plan and system security plan	14. Annual Review of the SSPP and SEPP
§ 659.27 Internal safety and security reviews	6. Internal Safety and Security Reviews

Section of Federal Transit Administration revised State Safety Oversight Final Rule (49 CFR Part 659), as issued April 29, 2005	Corresponding Section in TOC Program Standard & Procedures
§ 659.29 Oversight agency safety and security reviews	7. TOC Triennial On-Site Safety and Security Reviews
§ 659.31 Hazard management process	10. Hazard Management Process
§ 659.33 Accident notification	8. Accident and Hazard Notification
§ 659.35 Investigations	9. Investigations
§ 659.37 Corrective action plans	11. Corrective Actions
§ 659.39 Oversight agency reporting to the Federal Transit Administration	4. Program Management
§ 659.41 Conflict of interest	16. Conflict of Interest
§ 659.43 Certification of compliance	4. Program Management

2. Definitions & Acronyms

The following definitions and acronyms are provided for better understanding of this document as a source of guidance for response by WMATA. These may be copied and added to for plans and documents created in compliance with the TOC Program Standard and Program Procedures.

Accident – Any incident meeting the following criteria:

1. A fatality at the scene; or where an individual is confirmed dead within thirty (30) days of a rail transit-related incident;
2. Injuries requiring immediate medical attention away from the scene for two or more individuals;
3. Property damage to rail transit vehicles, non-rail transit vehicles, other rail transit property or facilities and non-transit property that equals or exceeds $25,000;
4. An evacuation (vehicles or facilities) due to life safety reasons;
5. A collision at a grade crossing;
6. A main line derailment that includes revenue vehicles or powered non-revenue vehicles;
7. A collision with an individual on a rail right of way; or
8. A collision between a rail transit vehicle and any other vehicle

Assessment – The evaluation and interpretation of measurements and other information to provide a basis for decision-making.

CAP or Corrective Action Plan – A plan developed by the rail transit agency that describes the actions the rail transit agency will take to minimize, control, correct, or eliminate hazards, and the schedule for implementing those actions.

Capabilities Assessment – A formal evaluation, conducted by the public transportation system, to identify the status of its security and emergency preparedness activities. This activity enables the system to determine its existing capacity to: (1) Reduce the threat of crime and other intentional acts, (2) Recognize, mitigate, and resolve incidents that occur in service and on system property, (3) Protect passengers, employees, emergency responders, and the environment during emergency operations, and (4) Support community response to a major event.

CFR – Code of Federal Regulations.

Consultant or Contractor – An entity that performs tasks required on behalf of the oversight or rail transit agency. The rail transit agency may not be a consultant or contractor for the oversight agency.

Emergency – A condition, situation or occurrence of a serious nature, developing suddenly and unexpectedly, and requiring immediate action.

Emergency Preparedness – Plans, organization, equipment, training/procedures, and exercises/evaluation, for preparedness to perform the prevention, detection, response and recovery capabilities applicable to mass transit employees and operations during catastrophic natural disasters, or terrorist attacks, appropriately coordinated/integrated with emergency response/management jurisdictions in the transit agency's service area.

Evacuation – Organized, phased, and supervised withdrawal, dispersal, or removal of civilians from dangerous or potentially dangerous areas, and their reception and care in safe areas.

Event – A planned, non-emergency activity.

Federal Transit Administration (FTA) – The agency of the U.S. Department of Transportation which administers the federal program of financial assistance to public transit.

Final Rule – The State Safety Oversight of Rail Fixed Guideway Systems regulations promulgated by the Federal Transit Administration and defined at 49 CFR Part 659.

Federal Railroad Administration (FRA) – An agency within the U.S. Department of Transportation.

Hazard or Hazardous Condition – Any real or potential condition (as defined in the rail transit agency's hazard management process) that can cause injury, illness, or death; damage to or loss of a system, equipment or property; or damage to the environment.

Hazard Severity –

> *Catastrophic* – A hazard severity category defined as “Category I” failure condition that could result in a large number of serious injuries and/or fatalities, and/or significant loss of system capability.
>
> *Critical* – A hazard severity category defined as “Category II” failure condition that could result in severe injury to one or more persons, and/or significant system damage.
>
> *Marginal* – A hazard severity category defined as "Category III”, failure conditions that could result in minor injury, minor occupational illness, or minor system damage.
>
> *Negligible* – A hazard severity category defined as "Category IV” failure conditions that cause less than minor injuries, illness, or system damage.

Hazard Threat Probability – The probability a hazard or threat will occur. Probability may be expressed in quantitative or qualitative terms and the ranking system is as follows: (a) frequent, (b) probable, (c) occasional, (d) remote, (e) improbable, and (f) impossible.

Hazard Resolution – The analysis and subsequent actions taken to reduce, to the lowest level practical, the risk associated with an identified hazard.

Incident – An occurrence or event, natural or human-caused, which requires an emergency response to protect life or property.

Individual – A passenger; employee; contractor; other rail transit facility worker; pedestrian; trespasser; or any person on rail transit-controlled property.

Injury – Injury to a person requiring medical attention necessitating transport to a medical facility by ambulance or police vehicle for medical treatment.

Investigation – The process used to determine the causal and contributing factors of an accident or hazard, so that actions can be identified to prevent recurrence.

Internal Reviews/Audits – The requirement for the transit agency to conduct internal safety and security reviews of the SSPP and SEPP, respectively.

ITOM or Internal TOC Operations Manual – A written document, developed and adopted by the oversight agency, that describes the detailed responsibilities and relationships among the oversight agency chair and members, transit agency staff, oversight agency consultant, FTA, and other relevant parties consistent with the oversight agency's Program Standard and Procedures.

New Starts Project – Any rail fixed guideway system funded under FTA's 49 U.S.C. 5309 discretionary construction program.

NTSB or National Transportation Safety Board – An independent Federal agency that investigates every civil aviation accident in the United States and significant accidents in the other modes of transportation, conducts special investigations and safety studies, and issues safety recommendations to prevent future accidents.

OSHA or Occupational Safety and Health Administration – The department of the United States government with the responsibility to ensure safety and healthful work environments

Oversight Agency – The entity, other than the rail transit agency, designated by the state or several states to implement this part. In particular for this document, Oversight Agency refers to the Tri-State Oversight Committee (TOC), the State Safety Oversight (SSO) agency for the District of Columbia, the State of Maryland, and the Commonwealth of Virginia.

Passenger – A person who is on board, boarding, or alighting from a rail transit vehicle for the purpose of travel.

Passenger Operations – The period of time when any aspect of rail transit agency operations are initiated with the intent to carry passengers.

Preparedness – The range of deliberate, critical tasks and activities necessary to build, sustain, and improve the operational capability to prevent, protect against, respond to, and recover from domestic incidents.

Prevention – Actions to avoid an incident or to intervene to stop an incident from occurring. Prevention involves actions to protect lives and property. It involves applying intelligence and other information to a range of activities that may include such countermeasures as deterrence operations; heightened inspections; improved surveillance and security operations; investigations to determine the full nature and source of the threat; public health and agricultural surveillance and testing processes; immunizations, isolation, or quarantine; and, as appropriate, specific law enforcement operations aimed at deterring, preempting, interdicting, or disrupting illegal activity and apprehending potential perpetrators and bringing them to justice.

Procedures – Established and documented methods to perform a series of tasks.

Program Standard & Procedures (or System Safety Program Standard & Procedures) – A written document, developed and adopted by the oversight agency, that describes the elements of state safety and security oversight as well as the minimum content required for the transit agency's System Safety Program Plan and System Security Plan, according to 49 CFR Part 659. This document also describes in detail the procedures to carry out the elements of state safety and security oversight as well as the associated procedures for reviewing the transit agency's System Safety Program Plan and the Security and Emergency Preparedness Plan and assessing their implementation, according to 49 CFR Part 659.

Rail Transit Agency, Transit Agency, or Transit System – An entity that operates a rail fixed guideway system.

Rail Transit-Controlled Property – Property that is used by the rail transit agency and may be owned, leased, or maintained by the rail transit agency.

Rail Transit Vehicle – The rail transit agency's rolling stock, including but not limited to passenger and maintenance vehicles.

Recovery – The development, coordination, and execution of service- and site-restoration plans; the reconstitution of government operations and services; individual, private sector, nongovernmental, and public-assistance programs to provide housing and to promote restoration; long-term care and treatment of affected persons; additional measures for social, political, environmental, and economic restoration; evaluation of the incident to identify lessons learned; post-incident reporting; and development of initiatives to mitigate the effects of future incidents.

Response – Activities that address the short-term, direct effects of an incident. Response includes immediate actions to save lives, protect property, and meet basic human needs. Response also includes the execution of emergency operations plans and of mitigation activities designed to limit the loss of life, personal injury, property damage, and other unfavorable outcomes. As indicated by the situation, response activities include applying intelligence and other information to lessen the effects or consequences of an incident; increased security operations; continuing investigations into nature and source of the threat; ongoing public health and agricultural surveillance and testing processes; immunizations, isolation, or quarantine; and specific law enforcement operations aimed at preempting, interdicting, or disrupting illegal activity, and apprehending actual perpetrators and bringing them to justice.

RFGS (or Rail Fixed Guideway System) – Any light, heavy, or rapid rail system, monorail, inclined plane, funicular, trolley, or automated guideway that:

(1) Is not regulated by the Federal Railroad Administration; and

(2) Is included in FTA's calculation of fixed guideway route miles or receives funding under FTA's formula program for urbanized areas (49 U.S.C. 5336); or

(3) Has submitted documentation to FTA indicating its intent to be included in FTA's calculation of fixed guideway route miles to receive funding under FTA's formula program for urbanized areas (49 U.S.C. 5336).

Risk Assessment –

Initial Risk Index - The index of the worst credible consequences resulting from the hazard.

Residual Risk Index - The index of the worst credible consequences resulting from the hazard once corrective actions have been implemented

Safety – Freedom from harm resulting from unintentional acts or circumstances.

Safety Certification – An element of the System Safety Program that documents the functional working of the System Safety Program, and provides a documented database from which to validate the active processes necessary to produce a safe system, ready for revenue service. Used primarily on new systems and expansions of operational properties.

Security – Freedom from harm resulting from intentional acts or circumstances.

Security Breach – An unforeseen event or occurrence which endangers life or property and may result in the loss of services or system equipment.

Security Threat – Any intentional action with the potential to cause harm in the form of death, injury, destruction, disclosure, interruption of operations, or denial of services.

Sensitive Security Information (SSI) – Information as described in 49 CFR § 1520.5 / 49 CFR § 15.5. SSI is information obtained or developed in the conduct of security activities, the disclosure of which would be detrimental to transportation safety. SSI includes: security program plans, security and vulnerability assessments, threat information, incident response plans, security directives and measures, security inspection or investigative information, security screening information or procedures, specifications for devices for detection of weapons or destructive devices or substances, specifications for communications equipment used for transportation security, and critical infrastructure information.

SEPP or Security and Emergency Preparedness Plan – A document developed and adopted by the rail transit agency that meets FTA requirements for System Security Plans and fulfills the Department of Homeland Security (DHS) / Office of Domestic Preparedness (ODP) requirements for Transit Security Grant Program (TSGP) assistance.

SSO – State Safety Oversight in accordance with 49 CFR Part 659.

SSP or System Security Plan – A document developed and adopted by a transit agency describing its security policies, objectives, responsibilities, and procedures.

SSPP or System Safety Program Plan – A document developed and adopted by the rail transit agency describing its safety policies, objectives, responsibilities, and procedures.

State – A State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

System – A composite of people (employees, passengers, others), property (facilities and equipment), environment (physical, social, institutional), and procedures (standard operating, emergency operating, and training) which are integrated to perform a specific operational function in a specific environment.

System Security – The application of operating, technical, and management techniques and principles to the security aspects of a system throughout its life to reduce threats and vulnerabilities to the most practical level through the most effective use of available resources.

System Security Program – The combined tasks and activities of system security management and system security analysis that enhance operational effectiveness by satisfying the security requirements in a timely and cost-effective manner through all phases of a system life cycle.

System Security Management – An element of management that defines the system security requirements and ensures the planning, implementation, and accomplishments of system security tasks and activities.

Terrorism – Under the Homeland Security Act of 2002, terrorism is activity that involves an act dangerous to human life or potentially destructive of critical infrastructure or key resources and is a violation of the criminal laws of the United States or of any state or other subdivision of the United States in which it occurs and is intended to intimidate or coerce the civilian population or influence a government or affect the conduct of a government by mass destruction, assassination, or kidnapping.

Threat – An indication of possible violence, harm, or danger. Any real or potential condition that can cause injury or death to passengers or employees, or damage to or loss of transit equipment, property, and/or facilities.

Threat and Vulnerability Assessment – An evaluation performed to consider the likelihood that a specific threat will endanger the system, and to prepare recommendations for the elimination or mitigation of all threats with attendant vulnerabilities that meet predetermined thresholds. Critical elements of these assessments include:

Threat Analysis - Defines the level or degree of the threats against a specific facility by evaluating the intent, motivation, and possible tactics of those who may carry them out.

Threat Probability - The probability a threat will occur at a specific facility during its life cycle (typically quantified as 25 years), for example:

Frequent: Event will occur within the system's lifecycle.

Probable: Expect event to occur within the system's lifecycle.

Occasional: Circumstances expected for that event; it may or may not occur within the system's lifecycle.

Remote: Possible but unlikely to occur within the system's lifecycle.

Improbable: Event will not occur within the system's lifecycle.

Threat Severity – A qualitative measure of the worst possible consequences of a specific threat in a specific facility:

Category 1 -Catastrophic: May cause death or loss of a significant component of the transit system, or significant financial loss.

Category 2 -Critical: May cause severe injury, severe illness, major transit system damage, or major financial loss.

Category 3 -Marginal: May cause minor injury or transit system damage, or financial loss.

Category 4 -Negligible: Will not result in injury, system damage, or financial loss.

Threat Resolution – The analysis and subsequent action taken to reduce the risks associated with an identified threat to the lowest practical level.

TOC – The Tri-State Oversight Committee, a committee created through a Memorandum of Understanding (MOU) among the District of Columbia, the State of Maryland, and the Commonwealth of Virginia to oversee the rail fixed guideway system (Metrorail) of the Washington Metropolitan Area Transit Authority (WMATA). The TOC is comprised of two (2) members from each jurisdiction.

Virtual Approval Process – An approval that does not occur during a formal meeting or telecon that could include through e-mails and/or informal telecons. Documentation of decisions would occur during formal meetings/telecons and would be recorded in the subsequent minutes.

Vulnerability – Characteristics of passengers, employees, vehicles, and/or facilities which increase the probability of a security breach.

Vulnerability Analysis – The systematic identification of physical, operational and structural components within transportation facilities and vehicles that can be taken advantage of to carry out a threat. This includes vulnerabilities in the design and construction of a given transit facility or vehicle, in its technological systems, and in the way it is operated (e.g., security procedures and practices or administrative and management controls). Vulnerability analysis identifies specific weaknesses with respect to how they may invite and permit a threat to be accomplished.

WMATA – The Washington Metropolitan Area Transit Authority, an agency which provides transit service in the District of Columbia, the State of Maryland, and the Commonwealth of Virginia, and which operates under TOC's State Safety Oversight Program.

3. State Safety Oversight

3.1 Designation of the Oversight Agency

In 49 CFR Part 659, the Federal Transit Administration (FTA) requires states with defined rail fixed guideway systems (including light rail and heavy rail transit, monorails, trolleys, etc.) to conduct safety and security oversight of those systems. Section 9(e) of 49 CFR Part 659 states:

> "In cases of a rail fixed guideway system that will operate in more than one state, each affected state must designate an agency of the state, other than the rail transit agency, as the oversight agency to implement the requirements in this part [659]. To fulfill this requirement, the affected states:
>
> 1. May agree to designate one agency of one state, or an agency representative of all states, to implement the requirements in this part; and
> 2. In the event multiple states share oversight responsibility for a fixed guideway system, the states must ensure that the fixed guideway system is subject to a single program standard, adopted by all affected states."

The Washington Metropolitan Area Transit Authority (WMATA) operates within the District of Columbia, the State of Maryland, and the Commonwealth of Virginia. These jurisdictions did not have to designate a single oversight entity for WMATA under 49 CFR Part 659 but chose to create the Tri-State Oversight Committee (TOC) through a Memorandum of Understanding (MOU, included in Appendix A) created in 1997 and subsequent updates. TOC consists of two representatives from each of the jurisdictions, with each jurisdiction providing a chairperson on a one-year rotating basis. As of this revision of the TOC Program Standard and Procedures, WMATA is the only transit agency under the jurisdiction of TOC's State Safety Oversight (SSO) Program.

The overall objectives of TOC's SSO Program are to reduce the potential for safety and security incidents and to increase awareness of safety and security. TOC's SSO Program is intended to address these and related objectives and goals in a proactive manner, with the belief that preventing accidents and incidents through reasonable measures is preferable to reacting to them after they occur.

3.2 Roles & Responsibilities

The FTA's SSO Final Rule delineates the responsibilities of the state, the rail safety oversight agency (TOC), the transit agency (WMATA), and the FTA in implementing the SSO Program. A brief overview of these responsibilities and roles follows:

3.2.1 The State(s)

The primary responsibility of the State(s) is to designate an oversight agency to oversee the safety of any fixed guideway system that is:

1. Included in FTA's calculation of fixed guideway route miles or receives funding under FTA's formula program for urbanized areas (49 U.S.C. 5336);
2. Not regulated by the Federal Railroad Administration.

The District of Columbia, the State of Maryland, and the Commonwealth of Virginia have designated TOC as the oversight agency for WMATA.

3.2.2 TOC

TOC, as the oversight agency, is required to develop and adopt a System Safety and Security Program Standard, a document that establishes the relationship between the oversight agency and the transit agency and specifies the requirements which the transit agency must follow. The Program Standard is to include requirements for (1) safety practices to reduce the likelihood of unintentional events that may lead to death, injury, or property damage, and (2) security practices to reduce intentional wrongful or criminal acts or terrorist activities.

Other responsibilities of TOC include:

- Requiring WMATA to develop a SSPP and SEPP that complies with the TOC's Program Standard.
- Reviewing and approving WMATA's SSPP and SEPP on an annual basis or as additional changes are proposed by WMATA. TOC also has the right to require revisions per Section 1414 10 of the TOC Standard and Procedures: Annual Review of SSPP and SEPP.
- Requiring WMATA to conduct safety and security reviews as an on-going activity and submitting an incremental and annual audit report to TOC for review.
- Conducting on-site safety and security reviews every three years (at a minimum) to assess whether WMATA's safety and security practices and procedures comply with its SSPP and SEPP.
- Requiring WMATA to report the occurrence of reportable accidents, incidents, and hazardous conditions as defined in Section 7: Accident Notification.
- Investigating reports of accidents and hazards and requiring WMATA to prepare corrective action plans to minimize, control, correct, or eliminate the accidents and hazards.
- Reporting annually, and as requested, to the FTA with respect to oversight activities.

3.2.3 WMATA

WMATA, specifically the Metrorail system, is subject to the SSO Rule and must develop and implement a SSPP and a SEPP that comply with the oversight agency's Program Standard & Procedures. WMATA is responsible for these Plans in addition to the following (minimum) responsibilities:

- Conducting internal safety and security reviews and submitting an annual report to TOC summarizing the results of its internal safety and security review process.
- Identifying and classifying hazards.
- Reporting any accident or hazard in accordance with the procedures outlined in the Accident and Hazard Notification section of the Program Procedures.
- Conducting accident and hazard investigations on behalf of TOC when directed to do so.

- Preparing corrective action plans and then implementing the plans so as to minimize, control, correct, or eliminate the hazard or conditions that have caused an accident.

3.2.4 The Federal Transit Administration

The FTA assesses whether the oversight agency has complied with 49 CFR Part 659 or has made adequate efforts to comply with it. If the FTA determines that the oversight agency is not in compliance or has not made adequate efforts to comply, it may withhold up to five percent of the amount apportioned for use in the State(s) or affected urbanized areas under FTA's formula program for urbanized areas (49 U.S.C. 5336). In addition, the FTA receives annual, triennial, and other submissions, as requested, from the oversight agency. These submissions are detailed in Section 4: Program Management.

4. Program Management

4.1 TOC Interface with FTA

In conformity with the FTA SSO rules, TOC must make specific initial, annual, and periodic reports to the FTA. All submissions to the FTA must be made electronically using a reporting system specified by the FTA. The objective of these reporting requirements is to provide the FTA with information regarding the operation of the SSO program. These reporting requirements are identified as follows.

4.1.1 Initial submission

The following information, contained in TOC's initial submission to the FTA, must be updated as necessary.

1. The names and addresses of TOC members, with the Chair and Vice Chair designated. The jurisdiction of each member should be noted.

2. The name(s) and address(es) of the transit agency or agencies subject to TOC jurisdiction under this part; and

3. A written description of TOC, including the following information:

    a. A copy of TOC Program Standard and Procedures;

    b. Its procedures or process for reviewing and approving WMATA's SSPP and SEPP;

    c. Certification that WMATA's SSPP and SEPP have been developed, reviewed, and approved [659.39(b)];

    d. Its investigatory procedures for accidents and hazards; and

    e. Its procedures for ensuring that appropriate corrective actions have been taken by WMATA to correct, eliminate, minimize, or control investigated hazards.

4.1.2 Annual submission

Before March 15 of each year, TOC must submit the following to the FTA:

- A publicly available annual report summarizing its oversight activities for the preceding twelve months, including a description of the casual factors of investigated accidents, status of corrective actions, updates and modifications to WMATA documentation, and the level of effort used to carry out oversight activities [659.39(c)(1)].
- A report documenting and tracking findings from three-year safety review activities, and whether a three-year safety review has been completed since the last annual report was submitted [659.39(c)(2)].
- Program standard and supporting procedures that have changed during the preceding year [659.39(c)(3)].
- Certification that any changes or modifications to WMATA's SSPP or SEPP have been reviewed and approved by TOC [659.39(c)(4)].

- Certification that TOC has complied with the requirements of 49 CFR Part 659.

TOC will submit the annual certification electronically to the FTA using a reporting system specified by the FTA. TOC will maintain a signed copy of each annual certification to the FTA, subject to audit by the FTA.

4.1.3 Triennial submission

TOC must submit a report describing the on-site safety and security review of WMATA. This report will include:

- Verification that the SSPP and SEPP are an integral part of WMATA's overall management, engineering, operating, and maintenance practice.
- Verification that the SSPP and SEPP contain provisions for modifications/updates in order to ensure that they remain dynamic and viable documents.
- Verification that WMATA regularly monitors compliance with the SSPP and SEPP.
- Verification that WMATA identifies potentially serious conditions such that methods to eliminate, control, and mitigate them are implemented.
- Principal findings and observations including an evaluation of the efficacy of the SSPP and SEPP.
- Recommendations for updating the SSPP and SEPP.
- Submitted comments and/or exceptions taken by WMATA.
- Status of review findings and recommendations.
- Include verification of CAP's as specified in section 11. 1. a.

4.1.4 Requested submissions

Status reports of accidents, hazards, and corrective action plans must be forwarded to the FTA upon request.

4.2 TOC Interface with WMATA

4.2.1 Monthly Meetings

TOC will hold formal meetings on a monthly basis. Such meetings shall be conducted in-person on at least a quarterly basis, and may consist of a teleconference at other times. TOC will prepare and distribute a Meeting Agenda to all involved parties with sufficient advance notice for WMATA safety and security personnel. TOC or their consultant will prepare Draft Meeting Minutes which, upon review and approval of all TOC members, will be finalized as the Final Meeting Minutes. The Final Meeting Minutes will include any attachments of documents provided at the meeting and will be considered a formal record of the issues discussed and actions taken at the meeting. Monthly TOC meetings shall be attended by the TOC members, TOC's consultant (if required), and representatives from WMATA Safety and Security. At least one TOC member from each of the three jurisdictions must be present at the monthly meeting to have a quorum. TOC will invite a representative(s) from the FTA and any additional personnel TOC deems appropriate. Potential attendees can be found in the Contact list in Appendix B.

4.2.2 Meeting with WMATA General Manager

TOC will meet with WMATA's General Manager on an annual basis to discuss TOC's SSO Program and any relevant issues.

4.2.3 TOC Approval Process

All items that must be approved by TOC will be approved at the formal TOC/WMATA Meetings, either in-person or via teleconference, and the approval status will be recorded in the appropriate minutes. Three members of the TOC, one from each designated agency, constitute a quorum for formal meetings and teleconferences. However, the affirmative vote of a majority of the entire TOC is necessary to take any action on a formal approval. A majority must also include at least one member appointed by each jurisdiction.

In addition to monthly meetings, TOC may employ a virtual approval process, whereby formal approvals may be made in writing via email or through informal teleconferences involving a quorum of TOC members, and subject to the above criteria necessary for formal approval. . Documentation of decisions shall occur during formal meetings/teleconferences and will be recorded in the subsequent minutes.

In between monthly meetings, individual or subsets of TOC members who are responsible for given functional areas of safety and security oversight (e.g., Accident/Incident Investigation, Internal Safety Audits, etc.), as well as TOC's consultant (as-needed), may review items requiring formal TOC approval or action and provide a recommendation for the full TOC at the subsequent monthly meeting, or through the virtual approval process outlined above. On an informal basis, TOC members are assigned to the following subcommittees, each responsible for fulfilling various program requirements:

- ***Meeting Management Subcommittee****:* This subcommittee will be responsible for taking notes, drafting minutes, and circulating proposed agendas. It will also be responsible for ensuring appropriate meeting coverage. Its members will coordinate TOC attendance at FTA meetings, WMATA GM meetings, and other meetings where TOC involvement is necessary (e.g., related to various capital projects).
- ***Incident/Hazard/CAP Review Subcommittee****:* This subcommittee will meet with appropriate WMATA staff to review open accident and incident reports, CAPs, and hazardous conditions. They will also be responsible for coordinating responses to FTA (or NTSB if necessary) on CAPs assigned to TOC. The subcommittee will take the lead on the review and comment on reports and documentation submitted by WMATA related to open investigations, hazardous conditions, and CAPs, and will make recommendations for formal approval to the full TOC membership at formal TOC meetings and teleconferences, or through the virtual approval process.
- ***Program Document Oversight Subcommittee:*** This committee will oversee the review, approval, and ongoing oversight of important program documents including the SSPP, SEPP, investigation procedures, ITOM, and TOC Program Standard & Procedures. This will also include internal safety and security audits. The subcommittee will take the lead on the review and revision of these documents and will make recommendations for formal approval to the full TOC membership at formal TOC meetings and teleconferences, or through the virtual approval process.

4.2.4 WMATA Submission Procedures

WMATA will make all electronic submissions in the form of a Microsoft Word, Microsoft Excel, or portable document format (PDF) file, as appropriate. All TOC members and its consultants must be included in the submission, unless directed otherwise by members of the TOC (for example, some submissions shall be sent only to a subset of TOC members who are on the TOC subcommittee responsible for facilitating a given functional area or program requirement). WMATA will make all hard-copy submissions to the TOC Chair or to the designated TOC representative. TOC contact information can be found in Appendix B.

TOC shall receive copies of all WMATA safety and security reports prepared for the WMATA General Manager and Board of Directors.

5. Program Standard Development

TOC's Program Standard and Program Procedures are developed and maintained as follows:

5.1 Development

TOC's original SSO document, *Procedures Manual for State Safety Oversight of WMATA Metrorail System*, was originally issued in April of 1997 but has been updated to reflect TOC policy and the changes required when the FTA revised the SSO Final Rule in April 2005. The most recent version (revised in 2006) consisted of two separate documents – the TOC Program Standard and the TOC Program Procedures. In this revision, the document has been combined into a single Program Standard and Procedures to eliminate redundancy. The Program Standard and Procedures describe the elements involved in TOC's SSO Program as well as the minimum content that TOC requires for WMATA's SSPP and SEPP. It also describes the approach to implement the requirements of TOC's SSO Program as well as the associated methodology for reviewing the SSPP and SEPP, and assessing their implementation.

5.2 Revision

The TOC Program Standard and Procedures will be reviewed on at least an annual basis by TOC, and will be updated as needed. Any updates required by FTA rules, as well as any improvements suggested by changes in industry best practices, will be added during this revision process. In addition, TOC will continue to discuss its Program Standard and Procedures with WMATA personnel, and where possible, will incorporate any suggested changes that enhance safety or security, or facilitate WMATA compliance with this document.

5.3 Distribution

The most current version of the TOC Program Standard and Procedures will be distributed directly to the designated WMATA contact person(s) for system safety and system security. When TOC makes significant revisions to this document, or when other conditions dictate, TOC will provide a draft of its revised Program Standard and Procedures and will seek comments from the designated WMATA contact person(s) for system safety and system security. When immediate changes are needed to the Program Standard and Procedures, TOC will issue interim changes to the designated WMATA contact person in written form, to be followed by a revised Program Standard and Procedures as soon as possible. Revisions to the TOC Program Standard and Procedures will be submitted to the FTA as part of TOC's annual submission.

6. Internal Safety and Security Audits

6.1 Safety and Security Audit Items

TOC requires that internal safety and security audits be conducted by WMATA of the SSPP and the SEPP. Over a three-year period WMATA must audit the implementation of all 21 elements of the SSPP and all 7 elements of the SEPP. The checklists in Appendices D and E list these elements for the SSPP and the SEPP, respectively. Each calendar year, on or before a date designated by the TOC, WMATA must submit a schedule to TOC detailing when they will audit these elements over the next three-year period, and provide specific scheduling details (at a minimum the month or quarter of anticipated schedule) for any audits in the next calendar year. TOC reserves the right to participate in WMATA's internal safety and security audits as conducted. TOC will provide WMATA with notification of its intent to participate in internal safety or security audits.

6.2 WMATA Incremental Internal Safety and Security Audit Reports

TOC requires WMATA to develop and document a process for the performance of on-going internal safety and security audits to assess implementation of the SSPP and the SEPP. The internal safety and security audit process must, at a minimum:

1. Describe the process used by WMATA to determine if all identified elements of its SSPP and SEPP are performing as intended;
2. Determine if hazards are being identified in a timely manner; and
3. Ensure that all elements of the SSPP and SEPP are audited in an ongoing manner and completed over a three-year cycle.

At a minimum, WMATA must notify TOC at least 30 calendar days before the conduct of scheduled internal safety and security audits. As schedule information becomes more certain, WMATA should update TOC as soon as possible (email or phone notification is acceptable). WMATA must submit to TOC all checklists and procedures it will use during the audit. A list of the elements that must be audited at least once during a three year cycle can be found in the lists in Section 12: WMATA System Safety Program Plan (21 elements) and Section 13: WMATA Security and Emergency Preparedness Plan (7 elements). If WMATA determines that findings from its internal safety and security audits indicate that WMATA is not in compliance with its SSPP, the general manager/chief executive officer must identify the activities that WMATA will take to achieve compliance.

After WMATA completes each safety or security audit, it must submit a safety or security audit report to TOC. The report must include the following information:

1. A summary of the internal audit.
2. The completed internal audit checklists.
3. Findings of the internal audit
4. Suggested corrective actions to address the findings in accordance with the requirements contained in Section 11.

These reports will be approved (possibly with comments), conditionally approved, or TOC will state that it is "unable to approve" at formal TOC meetings or teleconferences according to the process detailed in Section 4.2.

6.3 WMATA Annual Internal Safety and Security Audit Report

On or before February 1st of each year, WMATA must submit an annual safety and security audit report to TOC. The final written report must include the following information:

1. A summary of the internal audit,
2. The completed internal audit checklists,
3. Findings of the internal audit, and
4. Suggested corrective actions to address the findings in accordance with CAP requirements,

Within 45 calendar days of receipt of the report, TOC will approve, conditionally approve, or state that it is "unable to approve" the report in a written response. If TOC does not approve the report, WMATA will have 15 calendar days to address noted deficiencies and requested changes in the report and submit a revised report to TOC. TOC, at its discretion, may arrange for a meeting with WMATA to discuss the noted deficiencies and requested changes.

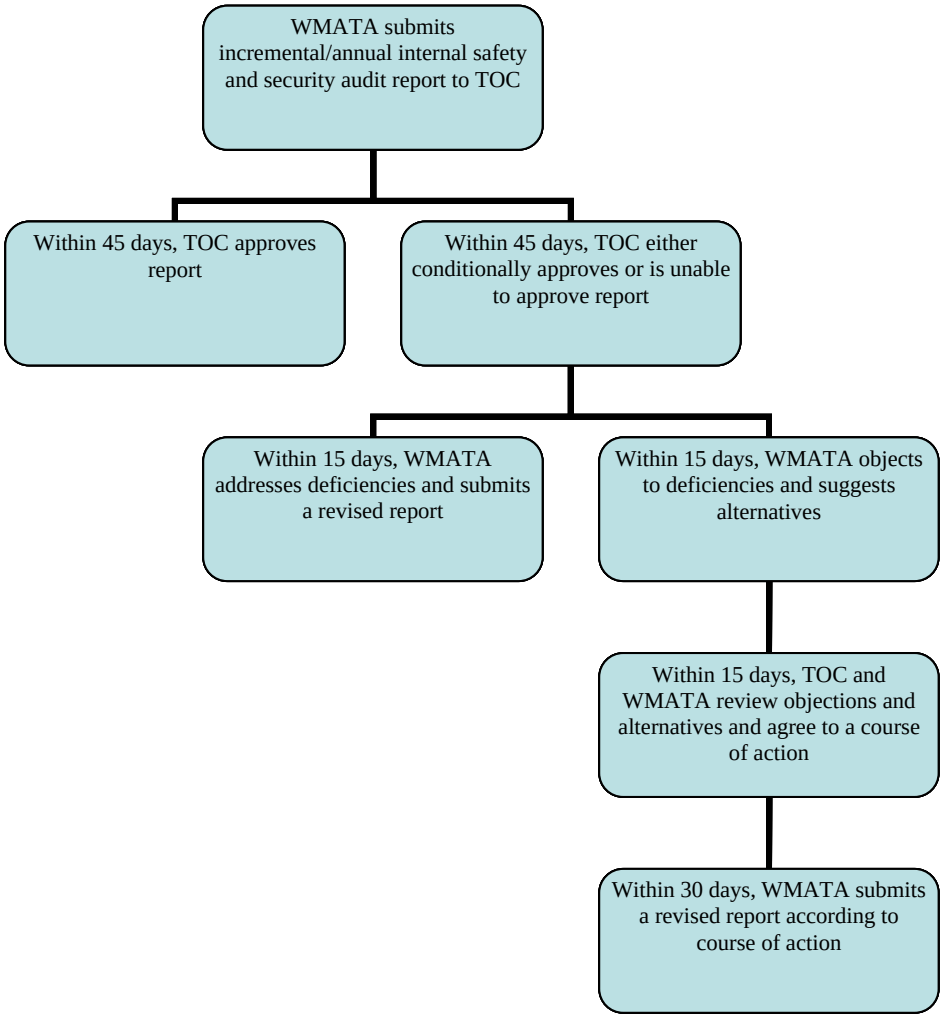
If the annual safety and security audit report is approved by TOC, then no further related actions will be required by TOC for that annual period. TOC may require other information or analysis, however, which relates to the safety and security audit process, as part of some other aspect of TOC's SSO Program.

In the event WMATA objects to a noted deficiency or requested change from TOC, it shall state its objections and suggest alternatives within 15 calendar days. TOC and WMATA shall audit the objections and suggested alternatives and agree to an appropriate course of action within 15 calendar days. The revised and updated report shall be submitted to TOC for audit and approval within 30 calendar days after agreement on a course of action.

The annual safety and security audit report may be delivered to TOC in a format agreed to by the TOC Chair (electronic or hard copy). However, the report must be submitted in an unalterable format with all required approval signatures visible.

The chart below details the events following WMATA's submission of its incremental and annual safety and security audit report.

Figure 1. WMATA Annual Internal Safety and Security Audit Report Process



7. TOC Triennial On-Site Safety and Security Review

In accordance with the FTA's SSO Final Rule (Part 659.29), TOC must, "[a]t least every three years … conduct an on-site review of the rail transit agency's implementation of its system safety program plan and system security plan." Alternatively, TOC may opt to conduct on-site reviews in an ongoing manner, such that all topics are covered throughout a three-year period. The TOC SSO Program utilizes more formal and structured triennial reviews, as well as ongoing meetings and periodic, smaller reviews to accomplish its safety and security oversight objectives.

As part of TOC's SSO program, every safety- and security-critical aspect of WMATA's operations will be evaluated at least once every three years. A list of the elements to be evaluated can be found below in Section 7.1. The review process is intended as an independent evaluation of WMATA operations and should allow TOC to determine if the system is following its own system safety and security procedures. Key objectives are as follows:

1. Determine if the SSPP is being followed by WMATA.
2. Determine if the SEPP is being followed by WMATA.
3. Determine if hazards are being identified in a timely manner.
4. Determine effectiveness of WMATA's internal safety and security review process.

7.1 Safety and Security Elements to Review

Specific operational, safety, and security elements that will be evaluated during the review include:

1. System Safety activities, including:
    - Policy Statement and Authority for SSPP
    - Description of Purpose for SSPP
    - Clearly Stated goals for SSPP
    - Identifiable and Attainable Objectives
    - System Description / Organizational Structure
    - SSPP Control and Update Procedures
    - Hazard Management Process
    - Accident / Incident Reporting and Investigation
    - Internal Safety and Security Review Process
    - Facilities Inspections (Includes Systems Equipment & Rolling Stock)
    - A description of:
        - The specific activities required to implement the system safety program, including tasks to be performed by the rail transit safety function and other rail transit departments. [659.19(e)]
        - The process used to ensure that safety concerns are addressed in modifications to existing systems, vehicles, and equipment, which do not

require formal safety and security certification but which may have safety or security impacts. [659.19(g)]

- The safety and security certification process required to ensure that safety or security concerns and hazards are adequately addressed prior to the initiation of passenger operations for New Starts and subsequent major projects to extend, rehabilitate, or modify an existing system, or to replace vehicles and equipment. [659.19(h)]
- The measures, controls, and assurances in place to ensure that safety principles, requirements and representatives are included in the rail transit agency's procurement process. [659.19(u)]

2. System Security Activities, SEPP Implementation, security procedures, devices, systems, and training
3. Maintenance facilities inspections
4. Audits of inspection records
5. Operating rules and procedures implementation
6. Maintenance audits/inspections
7. Rules/procedures enforcement programs
8. Training and certification reviews/audits
9. Interdepartmental coordination
10. Interagency coordination
11. Emergency drill planning/implementation
12. Engineering review and approval process
13. Configuration management
14. Safety and security sensitive equipment procurement
15. Safety and security data systems
16. Employee safety and security
17. Hazardous materials (including Materials Safety Data Sheets)
18. Contractor safety and security
19. Drug and alcohol testing programs

7.2 On-Site Review Process Approach

On-site reviews will generally be structured as follows:

1. TOC, using its own personnel and/or authorized consultants, will work with WMATA safety and security personnel to identify a convenient period of time for on-site review activities. TOC personnel or its contractor and WMATA personnel will work together to schedule review periods for each of the major review topics.

2. TOC personnel or its contractor will request and review the most recent plans, procedures, and other important documents related to the transit system operation. TOC personnel or its contractor will formulate appropriate agendas, checklists, and/or guides for on-site review activities.

3. TOC personnel or its contractor will conduct an entrance briefing and an exit briefing. Each will be open to all concerned WMATA personnel. The first meeting will detail the project schedule and methodology, and the exit meeting will include an informal summary of findings to date.

4. TOC personnel or its contractor will interview WMATA personnel in charge of each of the review areas, assess records and documentation associated with each function reviewed, and examine a sample of operations, infrastructure, vehicles, or other units, to verify compliance with existing plans and procedures.

5. Any urgent findings/hazards identified will be brought to the immediate attention of WMATA throughout the review so that WMATA can prepare the appropriate response.

6. TOC personnel or its contractor will issue a draft review report, and will seek comment from WMATA personnel on that draft. Comments will be due to TOC 45 calendar days after initial receipt of the draft report. A final report will be issued by TOC or its contractors within 30 calendar days of the end of the comment period, based on WMATA personnel comments (as appropriate). WMATA personnel will be required to respond to review findings as part of the ongoing corrective action plan process.

8. Accident/Incident Notification

8.1 Notification Procedures for Accidents/ Incidents

One of TOC's primary functions is to investigate accidents and incidents in accordance with the requirements of the FTA SSO Final Rule, Parts 659.33 (Accident notification) and 659.35 (Investigations). WMATA must report all accidents and incidents meeting the criteria defined in the TOC Program Standard and Procedures.

If an accident or incident occurs that meets any of these criteria, WMATA must notify TOC within two (2) hours of the accident's occurrence, and provide the information listed in the TOC Program Standard and Procedures.

WMATA must report all accidents and incidents to TOC that meet the criteria set forth in the TOC Program Standard and Procedures. TOC's definition of an accident or incident is:

- **A fatality** at the scene; or where an individual is confirmed dead within thirty (30) days of a rail transit-related incident;
- **Injuries** requiring immediate medical attention away from the scene for two or more individuals;
- **Property damage** to rail transit vehicles, non-rail transit vehicles, other rail transit property or facilities and non-transit property that equals or exceeds $25,000;
- **An evacuation** due to life safety reasons;
- **A collision at a grade crossing**;
- **A main line derailment** that includes revenue vehicles or powered non-revenue vehicles.
- **A collision with an individual** on a rail right of way; or
- **A collision between a rail transit vehicle and any other vehicle**.

TOC members should be informed of all accidents and incidents that have a safety or security impact on the transit system, even if they do not meet the accident reporting threshold defined above.

If an accident occurs that meets any of these criteria, WMATA must notify the TOC Chair (or an otherwise designated TOC representative) within two (2) hours of the accident's occurrence. If WMATA is unable to contact the TOC Chair or designated TOC representative by phone, WMATA must call other TOC members until someone is contacted. If WMATA is unable to contact any TOC members, they may leave a message on voicemail or on a pager. In addition to a phone call, WMATA must provide a written email notification to all TOC members and to TOC's consultant. **(The contact information for all TOC members and for TOC's consultant can be found in Appendix B.)** WMATA must provide the following information in both verbal and written form as part of the initial 2-hour notification:

a. Caller's name and contact phone number;

b. Time and date of accident/ incident;

c. Type of accident/ incident;

d. Location and direction of travel of incident;

e. Transit vehicle identifying information, including line, direction, vehicle number, etc;

f. Information about any other vehicles involved

g. Number of persons injured and requiring medical attention away from the scene

h. Number of fatalities

i. Estimated property damage (in dollars);

j. A description of the accident/incident

k. A description of accident investigation activities completed and anticipated in the short term

l. Preliminary determination of cause, if available

8.2 Notification Procedures for Security Incidents

TOC recognizes that due to differences in resources, procedures and missions, MTPD security incident notifications require a different process than safety notifications from SSRM. A security incident is defined as an incident which occurred or might have occurred due to intentional and potentially criminal acts by a person or persons. The criteria for reportable security incidents parallel those outlined in Section 8.1. For example, a fight on WMATA property resulting in the hospital transport of two individuals would constitute a reportable security incident, just as an accident on the right-of-way, which resulted in hospital transport for two workers, would be a reportable accident. And vandalism to WMATA property causing $25,000 or more worth of damage would be a reportable security incident, just as an accident in a rail yard causing $25,000 worth of damage would be a reportable accident.

8.2.1 The following instances constitute reportable security incidents:

- **A fatality** at the scene; or where an individual is confirmed dead within thirty (30) days of a rail transit security incident;
- **Injuries** requiring immediate medical attention away from the scene for two or more individuals secondary to a security incident;
- **Property damage** to rail transit vehicles, non-rail transit vehicles, other rail transit property or facilities and non-transit property that equals or exceeds $25,000;
- **An evacuation** due to security reasons including but not limited to bomb threats and/or suspicious packages;
- **A main line derailment** that includes revenue vehicles or powered non-revenue vehicles.
- **A collision with an individual** on a rail right of way; or
- **A collision between a rail transit vehicle and any other vehicle.**

8.2.2 Upon the occurrence of one of these incidents, the TOC and MTPD have agreed to the following process:

1) MTPD will notify all TOC members of the essential facts of the incident within the 2-hour notification time frame via their Command Page system, as well as providing updates in the event of an ongoing incident. It is the responsibility of TOC members

to provide MTPD with current e-mail and mobile device contact information to ensure timely reception of command pages.

2) TOC members, based on the nature of the incident and the information contained in the command page, may need further information. TOC members should then call the Metro Transit Police emergency operations telephone number at (202) 962-2121. They should identify themselves as TOC members and ask to speak with the watch commander. The watch commander, depending on the incident, will either provide the information directly or take down the TOC member's contact number and call them back as quickly as is practical.
3) TOC members who speak with the MTPD watch commander should then provide the information received to other TOC members via e-mail to reduce the potential for duplication of effort.
4) TOC members who choose to report to the scene of a security incident should inform the watch commander of their intent, as well as the other TOC members. When on scene at a security incident, TOC members function as Agency Representatives under the National Incident Management System and as such fall under the authority of the scene's Incident Commander.

8.2.3 Upon the occurrence of a reportable security incident meeting the criteria outlined in section 8.2.1, the WMATA Metro Transit Police Department (MTPD) will submit a Reportable Incident Investigation Cover Sheet form to the TOC. This form will include:

- The criteria from the TOC Program Standard and Procedures as the reason the report is being generated (from the list of criteria above)
- The date and time of the notification
- The TOC member or authorized TOC representative notified
- The date and time of the notification
- Whether the incident was preventable
- If any corrective actions will be/ have been taken
- Whether the investigation is complete

The MTPD representative will submit the cover sheet document along with an attached MTPD event or incident report to TOC for review and final acceptance.

8.3 Notification Procedures for Hazards

WMATA shall provide TOC with notification of Hazards according to the requirements outlined in Section 10, Hazard Management Program.

8.4 Accident Reporting Protocols of Other Agencies

Depending on the situation, accident reporting to other oversight agencies such as the NTSB, OSHA, et al, may be required. The requirements of this document do not obviate other reporting obligations.

8.5 Federal Railroad Administration Reportable Accidents/ Incidents

For rail transit systems and modes that share track with the general railroad system and are subject to **both** the Federal Railroad Administration and the Tri-State Oversight Committee for oversight, WMATA must notify the TOC within two (2) hours of an accident/ incident for which

WMATA must also notify the Federal Railroad Administration. [This statement does not apply to WMATA, but is required by the FTA.]

9. Accident /Incident Investigation

The purpose of accident investigation is to gather and assess facts in order to determine the cause(s) and to identify, and to make recommendations from which Corrective Action Plans **(CAPs, see Section 11)** can be proposed to prevent recurrence. These can consist of Short Term Mitigation (that can be instituted unilaterally by WMATA) and Longer Term CAPs (that require TOC review, approval, monitoring, and closeout) TOC's accident investigation will occur according to one of the following models (or, less frequently, in accordance with a combination of these models):

1. WMATA is authorized by TOC to conduct investigation on TOC's behalf;
2. TOC conducts the investigation;
3. Another agency conducts the investigation; or
4. Joint investigations conducted by both TOC and WMATA.

Note that TOC may withhold an investigation report that was prepared or adopted by TOC from being admitted as evidence or used in a civil action for damages resulting from a matter mentioned in the report. Reports and records of accident investigations submitted to TOC by WMATA, as well as related reports and records produced by either TOC or WMATA, will be treated as confidential information, and will not be released without concurrence by both TOC and WMATA.

9.1 Final Accident/Incident Report Content

All final accident/ incident reports produced for the TOC (and referenced throughout this section) must contain, at a minimum, the information contained in the list below (from 49 CFR Part 659.35(d):

1. Description of investigation activities
2. Identification of causal and contributing factors
3. Corrective action plan to prevent recurrence, and to address a specific finding, recommendation, or other conclusion of the report. (This may comprise corrective actions already taken, in which case no further corrective action plans may need to be developed.)

More information may be included, based on WMATA's accident investigation procedures or external recommendations (such as APTA accident investigation procedure standards, RT-S-OP-002-02). Likewise, the TOC may request more information in order to gain information about a particular accident/ incident or about accident/ incident trends.

Unless the TOC specifically requests that WMATA's designated safety and/or security staff produce their own accident investigation report, WMATA may use multiple documents (e.g., field reports, analyses, logs, etc.) to fulfill the report content requirements in this section. WMATA may also use a summary report to help fulfill the reporting requirements, such as the Sample Incident Fact Report contained in Appendix C.

In cases where non-safety department reports are used to make up the final accident report, or where the safety department's summary report is the only available document , all of the content requirements in this section must still be met. WMATA's designated safety and/or security staff

may use a summary report to outline the final accident/ incident report content, or to highlight its location in other departments' reports. This summary report may be a completed, hand-written form, a database report, or some similar document like the Sample Incident Fact Report in Appendix C. WMATA safety and/or security representatives are encouraged to review the format of such reports with the TOC to ensure that their content is sufficient to address TOC (and FTA) requirements.

9.2 WMATA Authorized by TOC to Conduct Investigation on TOC's Behalf

In accordance with the FTA SSO Final Rule (49 CFR Part 659.35(c)), the TOC may authorize WMATA to conduct an accident/ incident investigation on the TOC's behalf. Unless otherwise noted, this will be the standard method for accident/incident investigation.

If WMATA is to conduct accident/ incident investigations on the TOC's behalf, the TOC must review and formally approve WMATA's accident investigation procedures.

The TOC requires that WMATA conduct an accident/ incident investigation for all reportable accidents and incidents. Such investigations must include the final accident report content as noted above in Section 9.1. WMATA may utilize investigations from its safety or security departments or from front-line departments such as operations or maintenance. In each case, however, a clear and objective identification of cause must be made, and the report content requirements above must be met. [The TOC will accept transit agency accident/ incident investigation reports without explicit corrective action plans when existing corrective action plans address the causes identified in the accident.]

WMATA must notify the TOC of all reportable accidents and incidents according to the criteria set forth in Section 8. Accident/ incident investigation reports, comprised of reports from operations, maintenance, etc. as appropriate, and System Safety department investigation documentation as appropriate (such as the Sample Incident Fact Report in Appendix C), must be sent to the TOC on the following schedule:

1. Initial Notification: Basic information about the reportable accident/ incident must be transmitted verbally and via email to the TOC, as set forth in Section 8.
2. Preliminary Report: As soon as possible after the accident/ incident, but within three (3) business days, WMATA must fax, email, or hand-deliver preliminary written information, including any investigation summary information, preliminary reports from field personnel, and other available information.
3. Investigation Status Report: The TOC may, at its discretion, request from WMATA a report indicating the status of an investigation, including any significant new reports or report components, and any preliminary investigation conclusions within ten (10) days of the accident/ incident. If the investigation process is not complete within 30 calendar days of the occurrence, WMATA must submit an Investigation Status Report including an adjusted schedule for the completion of the investigation.
4. Final Accident/ Incident Investigation Report: At the conclusion of its investigation, WMATA System Safety must submit to the TOC a final accident report that meets all of the requirements set forth in Section 9.1 above. The TOC will work with WMATA to close open accident/ incident investigations with consideration of needed investigative processes, including (but not limited to) transportation investigations, derailment reports, police investigations, medical examiner reports, and other required materials to close an accident/ incident investigation.

If the TOC requires more information, it will notify WMATA. TOC may periodically provide WMATA with a copy of the TOC Accident/ Incident Tracking Database to outline what accident/ incident report documentation has been received and what additional documentation it requests of WMATA for each open accident/ incident. If the TOC does not require more information, TOC may formally approve and adopt an investigation report, including any associated reports, conclusions, and corrective actions, in accordance with the TOC approval procedures in Section 4.2.4. If the TOC approves the report, it will ask WMATA to finalize it and will make the final version the TOC's own accident investigation report. If the TOC requests changes to the report, WMATA shall revise the report according to a time frame to be determined jointly by TOC and WMATA on a case-by-case basis. Accident/ incident investigation reports may be delivered to TOC via a hard copy or electronically as a .pdf (or some other unalterable format) with all required WMATA signatures visible. If the TOC requires that the WMATA safety department conduct an investigation with a formal, independent report, it will request such an investigation in accordance with the procedures outlined below in Section 9.3.

9.3 WMATA Safety Department Requested to Produce Formal Report

For certain types of accidents and incidents, generally including those listed below, the TOC will require that the WMATA safety department issue a formal written report. These accidents/ incidents will include, but not be limited to:

- Accidents/ incidents with a significant number of injuries
- Accidents/ incidents with fatalities
- Accidents/ incidents which, upon preliminary report, involve a seemingly significant unmitigated, unidentified, or unquantified risk
- Accidents/ incidents involving vehicle, infrastructure, rules, or systems anomalies which have caused or could cause significant loss
- Accidents/ incidents where a more independent investigation seems necessary

As part of this investigation methodology, the TOC may explicitly request a formal safety department report containing all factual, investigative, and corrective action information. Alternatively, the TOC may request, or WMATA may suggest, that a safety department memorandum or other document be used to address specific issues or information deficiencies in operating, maintenance, or engineering reports. Formal reports will generally require additional and/or more detailed information than a standalone summary report, such as the Sample Incident Fact Report in Appendix C.

When the TOC requests that the WMATA safety department produce a formal accident/ incident investigation report, the following schedule will apply:

1. **Initial Notification**: Basic information about the reportable accident/ incident must be transmitted verbally and via email to the TOC, as set forth in Section 8.
2. **Preliminary Report**: As soon as possible after the accident/ incident, but within three (3) business days, WMATA must fax, email, or hand-deliver preliminary written information, including any investigation summary information, preliminary reports from field personnel, and other available information.
3. **Investigation Status Report**: The TOC may, at its discretion, request from WMATA a report indicating the status of an investigation, including any significant new reports or report components, and any preliminary investigation conclusions within ten (10) days of the accident/ incident. If the investigation process is not complete within 30 calendar days

of the occurrence, WMATA must submit an Investigation Status Report including an adjusted schedule for the completion of the investigation.

4. **Final Accident/ Incident Investigation Report**: At the conclusion of its investigation, WMATA System Safety must submit to the TOC a final accident report authored by the safety department or its authorized representative. **At a minimum, the final written report must meet all of the requirements set forth in Section 9.1 above.** The TOC will work with WMATA to close open accident/ incident investigations with consideration of needed investigative processes, including (but not limited to) transportation investigations, derailment reports, police investigations, medical examiner reports, and other required materials to close an accident/ incident investigation.

The TOC will review this report and within 10 days will approve it or request changes. If the TOC approves the report, it will ask WMATA to finalize it and will adopt the final version as TOC's own accident/ incident investigation report. If the TOC requests changes to the report, WMATA shall have 15 days to develop and submit the revised report. In the very rare case that WMATA and the TOC disagree about the changes and cannot come to a resolution, the TOC will utilize WMATA's original report with TOC addenda or additional investigation as needed to fulfill the accident investigation requirements contained herein.

9.4 TOC Conducts Investigation

TOC, at its discretion, and depending upon the particular circumstances of the accident, may choose to conduct an investigation of the accident utilizing its own personnel or a TOC authorized consultant. All TOC authorized accident investigation personnel are granted authority under the TOC SSO Program to conduct an investigation and evaluate records, materials, data, analysis, and other information which is pertinent to the investigation. It is expected that WMATA will provide to the TOC investigation team the resources and information necessary to conduct the investigation in an effective and efficient fashion.

The TOC on-site team will wait until WMATA and/or other emergency response personnel have secured the accident scene area before commencing its on-site accident investigation. TOC reserves the right to request that WMATA hold the accident scene to the maximum extent feasible until the arrival of TOC accident investigation team members. TOC will assess physical evidence of the accident scene including, but not limited to: damage and debris analysis; skid mark analysis; and the use of measurements, diagrams and photographs.

TOC accident investigation personnel will conduct field analysis, operational surveys, interviews, record checks, data analysis, and other on-site and off-site tasks which may be necessary for a comprehensive investigation. TOC will also assess compliance with operating rules and procedures; conduct follow-up interviews (if required); analyze employee records and the results of post accident drug and alcohol tests; and conduct vehicle and equipment inspections. TOC will comply with the American Public Transportation Association's (APTA's) Operating Practices standard RT-OP-002-02: Recommended Process for Performing Rail Transit Accident/Incident Investigations.

Within 45 calendar days of completion of the on-site and off-site accident investigation requirements, the TOC investigation team will prepare a draft accident investigation report. The draft accident investigation report will be provided to WMATA for its review. Comments will be due to TOC 30 calendar days after initial receipt of the draft report. A final accident

investigation report will be issued by TOC within 30 calendar days of the end of the comment period.

Any urgent findings/hazards identified will be brought to the immediate attention of WMATA so that WMATA can prepare the appropriate response.

9.5 Other Agency Conducts Investigation

Depending on the accident, another agency such as the NTSB may conduct an investigation of the accident utilizing its own procedures and personnel.

The NTSB may investigate a reportable event to achieve its primary function to promote safety in transportation. In such case, the NTSB is responsible for the investigation; the determination of facts, conditions, and circumstances; the cause or probable cause or causes; and recommendations to reduce the likelihood of recurrence.

In the event of an NTSB investigation, WMATA shall be responsible for timely briefing TOC on NTSB activities including meetings, interviews, requests for data, functional testing, examination of equipment, and the results of drug and alcohol tests. TOC should participate as an official party to the investigation, and WMATA should also conduct their investigation on TOC's behalf. TOC will support the NTSB as a member of its Party System. WMATA shall provide TOC with a copy of all written correspondence to the NTSB concerning a reportable event or investigation, and also shall provide TOC a copy of all NTSB reports and any recommendations concerning the event or its investigation, upon receipt by WMATA. TOC will assist the NTSB by providing information requested about WMATA critical practices and other matters as appropriate.

If the NTSB releases preliminary findings and recommendations, TOC is authorized to participate in any discussions and reviews with WMATA and the NTSB. TOC and WMATA will review the NTSB findings, draft report, and final report, and make a determination of whether or not to adopt the NTSB report and recommendations. Should the NTSB recommendations be adopted by TOC as its own, WMATA shall implement the findings. If TOC does not formally adopt the NTSB investigation report as its own, TOC must prepare its own report.

9.6 Joint Investigations Conducted by TOC and WMATA

WMATA and TOC may choose to conduct a joint investigation of the accident. WMATA and TOC may use WMATA's procedures, TOC's procedures, or a combination of the two procedures to investigate the accident. The procedures to be used must be established prior to the investigation and agreed upon by both WMATA and TOC. The resulting report becomes TOC's report of the accident as required by the SSO Rules.

10. Hazard Management Program

10.1 Guidelines for Fulfillment of Hazard Management Program Requirements

WMATA must have a Hazard Management Program that actively analyzes the agency's operating environment, policies and procedures, system modifications and extensions, and other areas that affect safety for potential hazards. The hazard management process must identify report, classify, resolve, and track safety and security hazards in a manner that is planned, consistent, and rigorous, as well as appropriate to WMATA's size and operating situation. WMATA shall input incident summary statistics, trends, and analyses from WMATA that could identify potential hazards. The information in this section is provided as guidance in the development and operation of a hazard management program. This section is in compliance with Part 659.31.

10.2 Hazard Identification

In the hazard identification section of the SSPP, WMATA should describe the processes used to identify and record hazards. This section should describe any hazard identification programs associated with capital projects, mechanisms for soliciting hazard reports and input from employees, any committees where the scope includes safety issues, etc. Hazard identification can be formal or informal, and WMATA should describe all methodologies used. These may range from structured hazard analysis programs to simple field observation. WMATA's hazard management program should have continuous hazard identification as its core.

10.3 Hazard Investigation, Evaluation, and Analysis

Investigation and evaluation procedures, including those associated with the safety department and any committees that may have safety responsibility, should be detailed in this section. These two steps frequently involve both investigations of severity and frequency as well as detailed discussion among WMATA personnel to assess the impact of a hazard.

The analysis component of this section should detail the methodology used to categorize and prioritize identified hazards. In this section, WMATA should define a primary quantitative-qualitative methodology for hazard analysis, such as Military Standard 882 D. [Military Standard 882 has been a popular method for hazard analysis among transit agencies. Other methods may be used, so long as WMATA can demonstrate that appropriate personnel are familiar with the method and can apply it appropriately and consistently.] This methodology, as well as any other internal WMATA procedures, should be used to establish the severity and probability of occurrence for each hazard.

Investigation, evaluation, and analysis will often require input from multiple WMATA personnel or groups. For more complicated hazards, more extensive analysis can be helpful in identifying and evaluating possible hazard scenarios.

10.4 Hazard Control and Elimination

Overall, the control and elimination section should identify WMATA priorities for hazard mitigation and elimination. WMATA may place an emphasis on certain classifications of high-frequency, high-severity hazards. It may also place an emphasis on more permanent control and elimination measures such as design or equipment changes, versus procedure or training changes.

The control and elimination section should describe the process for hazard mitigation and elimination. WMATA should describe a consistent methodology for minimizing hazards within its resources. This process should be grounded in an ongoing, consistent process and appropriate levels of intra-agency review. Hazard control and elimination may require separate discussions and descriptions relative to large projects and system modifications versus ongoing operations and maintenance.

10.5 Hazard Tracking

WMATA should establish an appropriate means for tracking all hazards, including information such as the following:

- Hazard description
- Immediate mitigation (if needed)
- Origin of hazard (e.g., accident investigation, capital project hazard analysis, employee safety committee, etc.)
- Date hazard was identified
- Hazard analysis results (frequency and severity, hazard score, etc., depending on analysis method)
- Proposed permanent hazard resolution
- Hazard resolution verification/follow-up activities
- Date hazard closed
- Responsible investigator or committee leader
- Other relevant information

Hazard logs may be kept in separate files for separate projects, ongoing operations/maintenance, etc. It is important, however, that all hazard logs, including open and closed items, be accessible (within a reasonable amount of time) for review by TOC personnel upon request. Hazard logs should also be available in electronic format so that they can easily be transmitted to TOC for review.

10.6 Requirements for Ongoing Reporting

WMATA shall report all hazardous conditions to TOC that affect the safety or security of the rail system. At a minimum, WMATA shall report those hazardous conditions meeting the "unacceptable" criteria set forth in the WMATA Hazard Identification/Resolution Matrix:

- I-A – (Catastrohpic/Frequent)
- II-A (Critical/Frequent)
- III-A (Marginal/Frequent)
- I-B (Catastrophic/Probable)
- II-B (Critical/Probable)
- I-C (Catastrophic/Occasional)

Hazardous conditions that meet the reporting thresholds in Section 8 shall be considered accidents or incidents, and shall be subject to the reporting and investigation requirements set forth in Sections 8 and 9.

On a monthly basis at a time designated by the TOC (generally two weeks after the formal monthly TOC meeting or teleconference), WMATA shall submit its hazard log(s). Hazard logs shall be formatted to show at a minimum all open/current hazards and all hazards that were open within the last 120 days. WMATA shall send the document to TOC via electronic mail according to Section 3.2.5: WMATA Submission Procedures. TOC will review hazard logs independently, and will review select hazard items with WMATA during monthly meetings.

From time to time, TOC may also request a complete hazard log for a particular topic or project, or a complete history of all hazards within a range of dates. TOC will allow a reasonable amount of time for WMATA to fulfill such requests, typically not less than 5 days.

11. Corrective Actions

Corrective action plans are required for deficiencies identified through the on-site safety and security review process, accident/ incident investigations, the hazard identification process, internal safety and security reviews, or other means by which a safety or security deficiency may be brought to the attention of WMATA. WMATA will develop and submit CAPs after investigations are completed and approved.

The corrective action plan must include the following information:

i. Identify noted hazard or deficiency and its source
ii. Date corrective action plan was opened
iii. process, plan, or mechanism to address and resolve deficiency
iv. Deadline for implementation of plan of action
v. Department(s) and person(s) who will be responsible for implementation

The process is as follows:

1. TOC will inform WMATA electronically when a deficiency is identified for which a CAP must be prepared. For each finding or recommendation for which a CAP is required, WMATA must, at a minimum, submit the above-listed information for TOC's review and approval. The notification requiring WMATA to develop a CAP and the time frame for the development of a CAP depends on the deficiency identified:

a. Triennial On-Site Safety and Security Review.
Upon notification of the findings of the final report, or receipt of the final report, WMATA will have 45 calendar days to develop a CAP to correct identified deficiencies.

b. Accident Investigation.
Regardless of which agency conducts the accident investigation process (WMATA, TOC, or its authorized consultant directly), the final report must contain findings and recommendations for addressing deficiencies or unsafe conditions identified during the process. The resolution of these deficiencies will be the primary responsibility of WMATA, with assistance provided by TOC, as may be required. Upon receipt of the final accident/ incident investigation report, WMATA will have 30 days to develop a formal Corrective Action Plan to correct any identified deficiencies. Alternatively, WMATA may indicate corrective actions already taken to address a given deficiency, directly in the final accident/ incident investigation report. Finally, in cases of investigations that result in no findings or recommendations to address any identified deficiencies, WMATA should explicitly indicate that no corrective actions have been taken or will be forthcoming.

c. Hazard Investigation.
Regardless of which agency conducts the hazard investigation process (WMATA, TOC, or its authorized consultant directly), the final report must contain findings and recommendations for addressing deficiencies. The resolution of these deficiencies will be the primary responsibility of WMATA, with assistance provided by TOC, as may be required. Upon identification of a hazard, WMATA will have 45 calendar days to develop a CAP to correct identified deficiencies.

d. Internal Safety and Security Review.

If WMATA finds areas of non-compliance during incremental internal audits of the SSPP or SEPP, those areas of non-compliance must be addressed by a corrective action plan. The corrective action plan must be developed within 30 days.

e. NTSB Investigations.

If the National Transportation Safety Board (NTSB) conducts an investigation at WMATA, it may issue a formal report with recommendations to the transit agency. Should this occur, the transit agency shall review the recommendations and determine their appropriateness. If WMATA determines that a recommendation is appropriate, it will develop a corresponding corrective action plan to address the recommendation.

f. Other

In the course of performing on-site safety and security reviews, investigations, annual safety and security reviews, or any other means by which TOC becomes aware of an urgent hazard, it will be brought to the immediate attention of WMATA so that WMATA can prepare an appropriate CAP. Detailed Incremental Reports and "summary" Annual Reports will be created to document the CAP. The timeframe for the CAP will be specified in the written notification from TOC. A hazard that can be immediately mitigated will not require a CAP.

2. The CAP will be forwarded to TOC for approval. TOC will notify WMATA whether it approves, conditionally approves, or is unable to approve the CAP within 30 calendar days after receipt of the CAP.

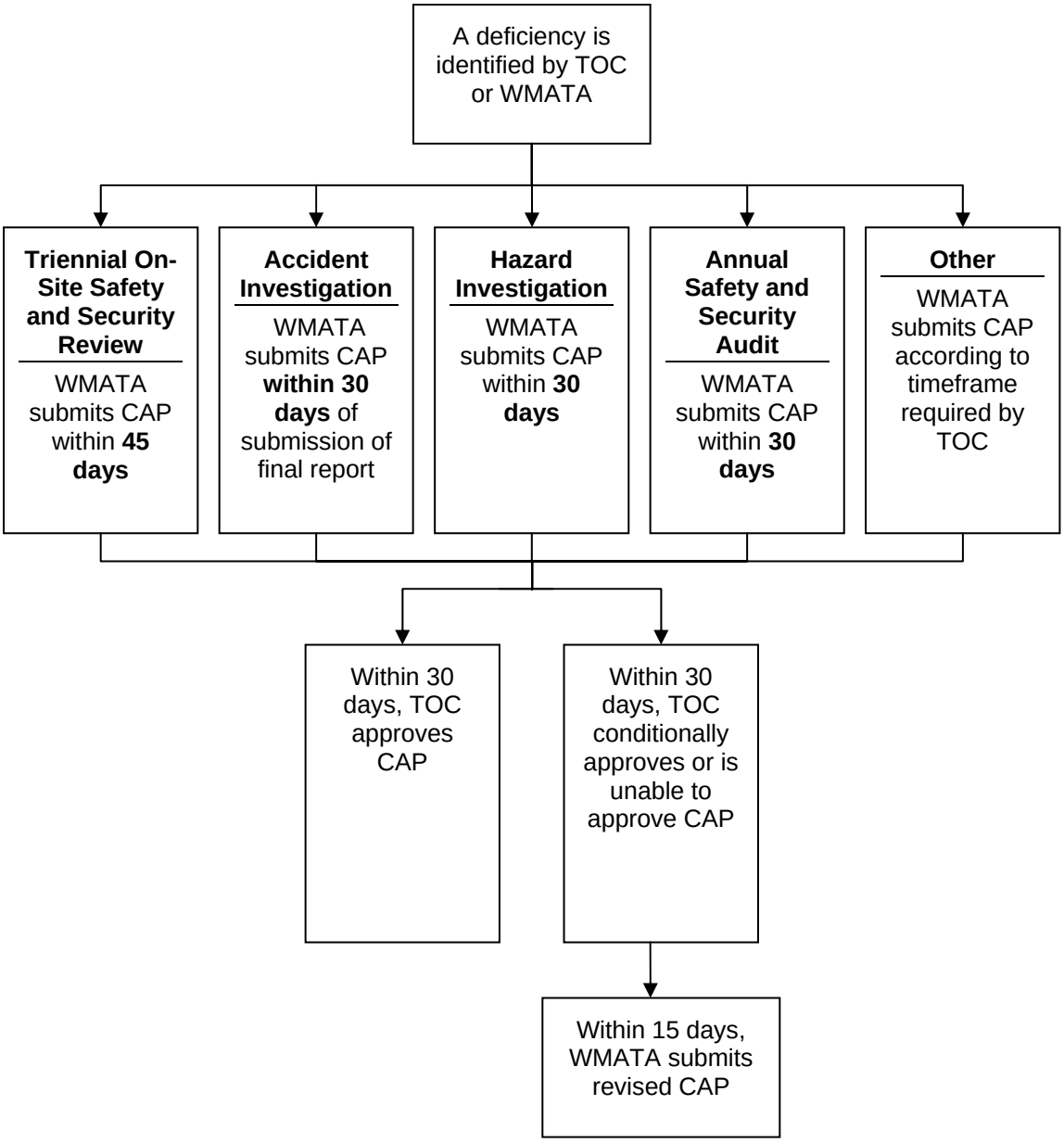
3. If TOC approves the CAP, it will notify WMATA. WMATA may be required to re-evaluate the aspect which was found to be deficient. TOC, at its discretion, may schedule a follow-up on-site review to evaluate the status and appropriateness of the implemented CAP. TOC will continue to monitor the status of the CAP as part of its continuous review program. This monitoring will include on-site reviews if required.

4. If TOC conditionally approves or is unable to approve the CAP, WMATA will have 15 calendar days to address noted deficiencies in the CAP and submit a revised plan to TOC. TOC, at its discretion, may arrange for a meeting with WMATA to discuss the noted deficiencies.

5. TOC will modify the timeframes involved if needed for a particular CAP and will notify WMATA of any such changes.

Current CAP logs must be submitted before the 5th of each month. CAP logs shall be formatted to show at a minimum all open/current CAPs and all CAPs that were open within the last 120 calendar days. Electronic CAP log submissions are preferred; WMATA must follow the submission procedures in Section 4.2.5: WMATA Submission Procedures. TOC will review CAP logs independently, and will review selected CAP items with WMATA during the TOC Quarterly Meetings as needed.

Figure 2. WMATA CAP Process



12. WMATA System Safety Program Plan

TOC requires WMATA to develop and implement a written SSPP following the format presented in 49 CFR Part 659.19 and outlined below. WMATA must review its SSPP annually and provide TOC with an annual update of its review, in accordance with the requirements set forth in Section 14 of this document.

WMATA's SSPP shall address, at a minimum, the following:

1. Executive Approval (Policy Statement) - §659.19 (a)
2. Purpose, Goals and Objectives - §659.19 (b)
    - 2.1. Purpose
    - 2.2. Goals
    - 2.3. Objectives
3. Management Structure - §659.19 (c)
    - 3.1. Overview
        - 3.1.1. General Overview and History of Transit Agency
        - 3.1.2. Scope of Transit Services
        - 3.1.3. Physical Plant
        - 3.1.4. Operations
        - 3.1.5. Maintenance
    - 3.2. Integration of Safety Function
    - 3.3. Lines of Authority for Safety
4. Plan Review and Modification - §659.19 (d)
    - 4.1. Annual SSPP Review
    - 4.2. SSPP Control and Update Procedures
    - 4.3. SSPP Review and Approval by the State Oversight Agency
    - 4.4. SSPP Change Management
5. SSPP Implementation – Tasks and Activities - §659.19 (e)
    - 5.1. Overview
    - 5.2. System Safety Function
        - 5.2.1. Methodology Used by the System Safety Unit
    - 5.3. Safety Responsibilities of Other Departments
    - 5.4. Safety Task Responsibility Matrix (Or Narrative Description)
6. Hazard Management Process - §659.19 (f)
    - 6.1. Overview
    - 6.2. Hazard Management Process – Activities and Methodologies
    - 6.3. Coordinating with the State Oversight Agency
7. Safety Certification - §659.19 (g)
8. Managing Safety in System Modifications - §659.19 (h)
9. Safety Data Acquisition - §659.19 (i)
    - 9.1. Data Acquisition Process

13. WMATA Security and Emergency Preparedness Plan

TOC requires WMATA to develop and implement a written SEPP following the format presented in 49 CFR Part 659.23 and outlined below. It has been determined that the SEPP, as defined by FTA Guidelines, meets the requirements for System Security Plans in 49 CFR Part 659.23. The SEPP must be developed and maintained as a separate document from the SSPP. Due to the security sensitive nature of the SEPP, distribution of the SEPP is restricted. WMATA must review its SEPP annually and provide TOC with an annual update of its review, in accordance with the requirements set forth in Section 14 of this document.

WMATA's SEPP shall address, at a minimum, the following:

1. SEPP Program Introduction
    - 1.1. Purpose of the SEPP
    - 1.2. Goals and Objectives
    - 1.3. Scope of Program
    - 1.4. Security and Law Enforcement
    - 1.5. Management Authority and Legal Aspects
    - 1.6. Government Involvement
    - 1.7. Security Acronyms and Definitions
2. System Description
    - 2.1. Background & History of System
    - 2.2. Organizational Structure
    - 2.3. Human Resources
    - 2.4. Passengers
    - 2.5. Services and Operations
    - 2.6. Operating Environment
    - 2.7. Integration with Other Plans and Programs
    - 2.8. Current Security Conditions
    - 2.9. Capabilities and Practices
3. SEPP Management Activities
    - 3.1. Responsibility for Mission Statement and System Security Policy
    - 3.2. Management of the SEPP Program
    - 3.3. Division of Security Responsibilities
4. SEPP Program Description
    - 4.1. Planning
    - 4.2. Organization
    - 4.3. Equipment
    - 4.4. Training and Procedures
    - 4.5. Emergency Exercises and Evaluation
5. Threat and Vulnerability Identification, Assessment, and Resolution
    - 5.1. Threat and Vulnerability Identification
    - 5.2. Threat and Vulnerability Assessment

14. Annual Review of the SSPP and SEPP

TOC requires WMATA to conduct an annual review of its SSPP and SEPP. Before January 1st of each year, WMATA must provide TOC with an annual update of its SSPP and SEPP, including an identification and explanation of any and all changes for review and approval.

In addition to annual updates, WMATA shall identify changes that require modification of the SSPP and SEPP on an on going basis. WMATA shall incorporate necessary changes in the SSPP and SEPP and submit these changes to TOC for approval within 45 calendar days of the date of the change.

TOC may request modifications to WMATA's SSPP or SEPP due to internal audit report results, on-site reviews and investigations, changing trends in accident/incident or security data, or other reasons that may come to the attention of TOC. Upon receipt of a written request for SSPP or SEPP modifications from TOC, WMATA shall submit a revised SSPP or SEPP within 30 calendar days.

Within 45 calendar days of receipt of the plans, TOC will issue a response stating that it approves, conditionally approves, or is unable to approve the SSPP and SEPP, along with checklists used to review the plans. These checklists can be found in Appendix D and E, respectively. If TOC conditionally approves or is unable to approve either plan, WMATA will have 30 calendar days to address noted deficiencies and requested changes in the plan(s) and submit a revised plan(s) to TOC. TOC, at its discretion, may arrange for a meeting with WMATA to discuss the noted deficiencies and requested changes.

In the event WMATA objects to a noted deficiency or requested change from TOC, it shall state its objections and suggest alternatives within 30 calendar days. TOC and WMATA shall review the objections and suggested alternatives and agree to an appropriate course of action within 30 calendar days. The revised and updated plan(s) shall be submitted to TOC for review and approval within 30 calendar days after agreement on a course of action.

Plans may be delivered to TOC in a format agreed to by TOC (electronic except for the SEPP). Once a plan has been approved by TOC, WMATA must submit a copy to TOC in an unalterable format (electronic or hard copy) with all required WMATA approval signatures visible.

The following chart details the timeline of TOC's review of WMATA's SSPP and SEPP.

15. Other TOC Reviews

15.1 Reviews of System Expansions and System Modifications

In order to assess safety and security of new projects, and to verify safety and security processes within WMATA, TOC may review major system modifications and expansions, and other projects that have a significant safety or security impact. The following lists types and examples of WMATA expansions or modifications that WMATA shall submit for TOC review:

- New starts or system expansions
- Major reconstruction of existing lines
- Major redesign and installation of system components
- New or significantly reconstructed maintenance and operating facilities
- New vehicle procurements or mid-life overhauls
- Other projects deemed to have significant safety implications, including projects implemented by others that have a direct impact on WMATA operations.

The review and oversight by TOC will depend significantly on the type of system expansion or modification under review. TOC may review any and all development phases of applicable projects including:

- Project Planning
- Preliminary Engineering
- Final Design
- Procurement
- Construction
- Operations and Maintenance Procedures and Plans
- Training
- Testing
- Start-Up

The TOC review may include each of these phases, so that any safety- and security-critical issues can be resolved as early as possible, to avoid or minimize the need for retroactive modifications and retrofits. This approach should allow WMATA to resolve safety and security issues in a timely manner, so as not to delay the project implementation schedule.

In reviewing each phase of a major system expansion or modification, TOC will focus its resources on providing an independent review of safety- and security-critical system elements and activities, in addition to the more general aspects of a project that could affect the safety and security of existing operations. The materials TOC will review throughout the project may include the following:

- Planning Studies (that evaluate alternatives and define a project's scope)
- Design Criteria and Standards Manual
- Design Documents
- Safety and Security Certification Plans
- Project Management Plans (required on major FTA-funded projects)

- Configuration Management Plans
- Construction Plan and Schedules
- Operating Changes and Plans during Project Construction
- Transportation & Maintenance Operating Procedures
- Training Programs and Procedures
- Integrated Test Program
- Emergency Procedures
- System Safety and Security Reviews
- Security Plans

After the review of a particular project phase has been completed, TOC will provide an immediate oral briefing to WMATA and issue a draft report detailing its findings and recommendations within 60 calendar days of the end of the review. Any WMATA comments shall be provided within 30 calendar days and the TOC Final Report will be issued within 30 calendar days of receipt of WMATA comments.

TOC may continue to review each phase of the project until project completion. At project completion, the system expansion and modification will be incorporated into TOC's triennial review of the operating and maintenance activities of WMATA.

15.2 SSPP Readiness Review

TOC may conduct an on-site SSPP Readiness Review of any major project as defined by TOC. This review will be conducted after receipt of WMATA's initial SSPP submission but prior to its entry into passenger operations. This assessment will focus on the capabilities of WMATA to implement its SSPP during passenger operations. This assessment may be conducted in conjunction with TOC review and approval of the initial SSPP submission.

This assessment may be conducted formally, following the procedures specified for the TOC Triennial On-Site Safety and Security Review, identified in Section 5 of this document. Or this assessment may be conducted less formally, as an on-site walk-through of WMATA's safety program with WMATA's safety point-of-contact and other WMATA personnel to ensure both the accuracy of its initial SSPP submission and the capacity of WMATA to implement its SSPP.

Based on the type of review conducted, TOC may issue an official report with identified deficiencies which may require corrective actions (see Section 9 of this document), or may address any findings through the review and approval process used for WMATA's SSPP.

16. Conflict of Interest

No individual or entity may provide services to both TOC and WMATA when there is a conflict of interest or an appearance of a conflict. A conflict of interest occurs when an individual or entity performing work for WMATA or TOC is unable, or potentially unable, to render impartial assistance or advice on the development or implementation of the TOC Program Standard and Program Procedures, or to objectively perform such work without bias. A third party consultant or contractor to TOC or WMATA may not have an unfair competitive advantage over other consultants or contractors. Each consultant or contractor is subject to full disclosure on all present and potential conflicts of interest in its activities or relationships prior to being awarded a contract with TOC or WMATA.

Appendix A: Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING

This AGREEMENT, made and entered into this 5th day of December, 2008, by and between the Virginia Department of Rail and Public Transportation, the Maryland Department of Transportation, and the District of Columbia Department of Transportation, hereinafter collectively referred to as "Parties".

WITNESSETH THAT:

WHEREAS, Section 3028 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) requires that the Federal Transit Administration (FTA) implement the requirements of 45 U.S.C. 5330 known as 49 CFR Part 659 Regulation, (as revised on April 29, 2005) requiring states to designate an agency to oversee the safety of rail fixed guideway systems operating in the State; and

WHEREAS, in the interest of public safety and security the Parties hereto have agreed to accept the responsibility to perform the designated oversight requirements and have agreed to participate collectively and for the common good to implement the requirements of 49 CFR Part 659; and

WHEREAS, the Secretary of Transportation of the Commonwealth of Virginia has designated the Virginia Department of Rail and Public Transportation, and the Secretary of Transportation of the State of Maryland has designated the Maryland Department of Transportation, and the Director of the District of Columbia Department of Transportation has designated the Office of Mass Transit, each as the agency responsible for the safety oversight required by 49 CFR Part 659; and

WHEREAS, the Washington Metropolitan Area Transit Authority (WMATA) operates the Metrorail system, a rail fixed guideway system that operates within and between the Commonwealth of Virginia, the State of Maryland and the District of Columbia, whose collective action created WMATA by means of the WMATA compact;

WHEREAS, it is mutually agreed by the Parties hereto to create a single oversight entity known as the Tri-State Oversight Committee (TOC) comprised of representatives of the three designated agencies; and

WHEREAS, under 49 CFR Part 659, and the information noted above, TOC has the right and duty to perform safety and security oversight over WMATA;

WHEREAS, an original Memorandum of Understanding between the same parties was entered into on March 7, 1997, the TOC has been in continuous operation performing safety and security oversight of the WMATA Metrorail system since that date, and certain changes to the Agreement are required;

NOW, THEREFORE, the Parties hereto, each in consideration of the promises and undertakings of the others as herein provided, do hereby covenant and agree, each with the other, as follows:

§1. The TOC shall be composed of and guided by six members, consisting of two representatives from each of the Parties. Each of the Parties shall have sole jurisdiction and discretion to appoint their respective members to serve on the TOC.

§2. Three members of the TOC, one from each designated agency, shall constitute a quorum. The affirmative vote of a majority of the TOC shall be necessary to take any official action. A majority shall include at least one member appointed by each Party. Scheduled meeting dates shall be established prior to the beginning of each calendar year to allow for formal meetings approximately quarterly with additional meetings and teleconferences scheduled, as required and agreed to by the TOC. All meeting dates may be revised by the TOC as needed.

§3. The TOC Chair shall be selected from among the TOC membership by a majority vote of the TOC. The Chair shall serve for a one-year period beginning with the second quarterly meeting of the year, and the Chair shall rotate among the Parties as follows: 2008-MD, 2009-DC, 2010-VA, and so on. The Chair shall be responsible for specific duties and responsibilities determined by and agreed to by the TOC. In the event of an absence by the TOC Chair, the TOC Vice-Chair will serve as the Chair during such absence.

§4. The TOC Vice-Chair will be selected from one of the two members serving as members from the jurisdiction which is scheduled to next provide the Chair for the TOC, in order to ease the transition of the Chair from year to year. The schedule for which of the three jurisdictions is to provide the Chair is noted in paragraph 3 above. The TOC Vice-Chair will be selected by a majority vote of the TOC at the same time the TOC Chair is selected, also as noted in paragraph 3 above. The TOC Vice Chair shall rotate among the parties as follows: 2008-DC, 2009-VA, 2010-MD, and so on.

§5. Each Party to the TOC has the authority to temporarily assign TOC related responsibilities and authority to a non-TOC member, from that jurisdiction, in the event of a vacancy by a member from that jurisdiction. This authority may be assigned by the respective Party's remaining TOC member. Such authority shall include the right to be included as a quorum for meeting purposes and to vote on TOC issues. The term temporary as used in this paragraph shall be defined as the period of time necessary for that jurisdiction to formally fill the vacant TOC member position, as described in §1.

§6. When there is the need for a jurisdiction to fill a vacant TOC member position, each jurisdiction shall attempt to do so in as expeditious a manner as possible so as not to adversely affect the operation of the TOC.

§7. The TOC shall have the authority to hire a consultant to perform specified work that will allow the TOC to make informed determinations, findings, decisions and recommendations. All actual costs associated with contracting for consultant services shall be the responsibility of the TOC, and allocation of costs shall be on an equal one-third appointment to each of the Parties. Each Party's own internal administrative costs shall not be included in the costs allocated to the TOC. Each Party shall be responsible

for obtaining its share of funds to defray the costs of the TOC through each Party's normal budget approval process.

§8. The TOC shall be responsible for the preparation and adoption of a System Safety and Security Program Standard and Procedures, Internal Operations manuals, and other such guidance documents that comply with the minimum requirements of 49 CFR Part 659, as amended, and which it deems appropriate for carrying out its safety and security oversight mission.

§9. The TOC shall require WMATA, as the transit agency, to create a System Safety Program Plan and a separate Security and Emergency Preparedness Plan that comply with the TOC's Program Standard and Procedures. These Plans shall be reviewed by WMATA annually and, if any changes are made, submitted to TOC for review and approval, within a time frame specified by the TOC.

§10. The TOC shall monitor the implementation of the System Safety Program Plan and Security and Emergency Preparedness Plan and require updates or modifications as deemed necessary, within a time frame specified by the TOC.

§11. The TOC shall require WMATA to conduct internal safety and security audits in accordance with the TOC Program Standard and Procedures, and submit annual safety and security audit reports to the TOC, within a time frame specified by the TOC.

§12. The TOC shall require WMATA to report to the TOC the occurrence of accidents, incidents, and hazards as defined in TOC Program Standard and Procedures within a time frame specified by the TOC. The TOC shall require WMATA to establish procedures for investigating accidents, incidents, and hazards, and those procedures shall be subject to review and approval by the TOC. The TOC shall conduct, or cause to be conducted, investigations of accidents, incidents, and hazards and shall have full access to all information and evidence collected by WMATA and/or its agents.

§13. The TOC shall require WMATA to develop Corrective Action Plans for TOC review and approval that minimize, control, correct or eliminate deficiencies identified in accident or incident investigations, internal audits or reviews, external audits or reviews including the TOC's Triennial Safety and Security Review, the WMATA hazard management program, and other sources identifying deficiencies needing corrective action, in a time frame specified by the TOC.

§14. Confidentiality of investigation reports and Security Plans. To the greatest extent possible, and in conformance with the governing applicable laws of its three member jurisdictions, the TOC will keep all accident, incident, and hazard investigation reports and Security Plans confidential. This applies to all investigation reports and Security Plans regardless if they are developed directly by the TOC and/or its authorized agents, or developed at the direction of the TOC by WMATA (and its agents), in accordance with its Program Standards and Procedures.

§15. Release of confidential information and conflict of laws. If a request for information related to documents which are defined as confidential by the TOC in section 14 above is

made, the following provision will govern. The TOC will treat all investigation reports and Security Plans as confidential and will not release such documents, without compelling necessity, as defined by the TOC or if required by law. If an action in law is instituted within one of the three TOC jurisdictions against the TOC (such as a Freedom of Information Act request) for the release of such confidential information, the prevailing and applicable laws of the jurisdiction (DC, MD, or VA) in which the action is instituted will govern. If legal actions are instituted in more than one jurisdiction, then the TOC, in consultation with its legal counsel, will determine an appropriate course of action for the potential defense of such action.

§16. Legal representation of the TOC. If a TOC member, while serving as a duly authorized representative of the TOC and acting in good faith, is individually named in a legal proceeding, then their appointing jurisdiction will be responsible for their legal defense. This assumption of liability by the appointing jurisdiction would be equivalent to any legal defense which the representative would be entitled to as an employee and/or agent of their appointing jurisdiction, and in accordance with any appropriate statutes governing the employer/employee relationship. If the TOC as an oversight organization is named in a legal proceeding, then each jurisdiction will provide counsel to represent its interests in such proceeding. Each jurisdiction will be responsible for their own costs associated with defending the TOC in a proceeding. The three TOC jurisdictions, at their discretion and by mutual agreement, may also appoint one jurisdiction to represent the interests of the TOC or retain special counsel, as the jurisdictions deem appropriate. The costs for any such joint representation will be borne equally by the three jurisdictions, absent the approval of an alternative arrangement.

§17. Nothing in this Memorandum of Understanding shall require TOC to provide, or prohibit TOC from providing, oversight of a rail fixed guideway system (subject to 49 CFR Part 659) other than WMATA. TOC shall also have the flexibility to apportion costs, including any consultant costs, on some basis other than equal shares for rail systems other than WMATA. If a member of the TOC were to request that the TOC conduct oversight of a non-WMATA rail system, then the TOC may require a separate agreement and/or MOU to govern the relationship between the TOC and the jurisdiction(s) in which that rail system is located.

§18. This Memorandum of Understanding may be amended in writing, as conditions warrant, if agreed to by each of the participating Parties.

§19. Participation in the TOC may be terminated by any Party upon 120 days written notice to all other Parties, provided that any Party withdrawing from participation according to the terms of this section shall be responsible for its prorata share of any costs actually incurred up until the effective date of the termination, absent the approval of an alternative financial arrangement. If participation by any Party is terminated, FTA shall be promptly notified in writing by the remaining Parties to the TOC.

§20. An individual member's participation in the TOC may be terminated by any individual TOC member upon written notice to the TOC member's respective appointing authority,

and to all other remaining TOC members. The respective appointing authority shall be responsible for appointing a replacement member in a timely fashion.

IN WITNESS WHEREOF, this Memorandum of Understanding has been executed the day and year heretofore set out on the part of the Virginia Department of Rail and Public Transportation, the Maryland Department of Transportation and the District of Columbia Department of Transportation by authority duly given.

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF RAIL AND
PUBLIC TRANSPORTATION

BY: _____
DIRECTOR

ATTEST:

_____

STATE OF MARYLAND
DEPARTMENT OF TRANSPORTATION

BY: _____
SECRETARY OF TRANSPORTATION

ATTEST:

_____

DISTRICT OF COLUMBIA
DEPARTMENT OF TRANSPORTATION

BY: _____
DIRECTOR

ATTEST:

_____

IN WITNESS WHEREOF, this Memorandum of Understanding has been executed the day and year heretofore set out on the part of the Virginia Department of Rail and Public Transportation, the Maryland Department of Transportation and the District of Columbia Department of Transportation by authority duly given.

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF RAIL AND
PUBLIC TRANSPORTATION

BY: _____
DIRECTOR

ATTEST:

_____

STATE OF MARYLAND
DEPARTMENT OF TRANSPORTATION

BY: _____
SECRETARY OF TRANSPORTATION

ATTEST:

_____

DISTRICT OF COLUMBIA
DEPARTMENT OF TRANSPORTATION

BY: _____
DIRECTOR

ATTEST:

_____

IN WITNESS WHEREOF, this Memorandum of Understanding has been executed the day and year heretofore set out on the part of the Virginia Department of Rail and Public Transportation, the Maryland Department of Transportation and the District of Columbia Department of Transportation by authority duly given.

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF RAIL AND
PUBLIC TRANSPORTATION

BY: _____
DIRECTOR

ATTEST:

_____

STATE OF MARYLAND
DEPARTMENT OF TRANSPORTATION

BY: _____
SECRETARY OF TRANSPORTATION

ATTEST:

_____

DISTRICT OF COLUMBIA
DEPARTMENT OF TRANSPORTATION

BY: _____ 4/24/08
INTERIM DIRECTOR

ATTEST:

_____

The District's authority to enter into the TOC MOU is found at D.C. Official Code §§ 9-1109.01-9-1109.07 (D.C. Law 11-261), Mayor's Order 97-13 (January 24, 1997), and D.C. Official Code §§ 50.921.02 (b) and 50-921.05 (D.C. Law 14-137).

MISSION STATEMENT

TOC Mission Statement

The mission of TOC is to establish, promote, maintain, improve, and ensure the safety and security of any persons including passengers, employees, trespassers, and bystanders of the rail fixed guideway system of the Washington Metropolitan Area Transit Authority (WMATA) that operates within and between the Commonwealth of Virginia, the State of Maryland and the District of Columbia; by requiring WMATA to develop safety and security plans in accordance with standards adopted by the TOC and to employ those safety and security plans as standard operating procedures to the satisfaction of the TOC, and in a manner consistent with legislative and regulatory directives and intent, and to establish a basis for effective communications between the TOC and the management and staff of WMATA who are responsible for implementing the plans. TOC's oversight role may also be expanded to other rail fixed guideway transit systems planned or operating within any of the TOC jurisdictions.

TOC's Future Vision

In an effort to have an exemplary SSO Program that fully complies with FTA requirements and guidance, and offers the greatest opportunity for enhancing the safety and security of the WMATA Metrorail System, TOC strives to create a partnership with FTA and WMATA. TOC fully realizes that Washington DC is unique in its influence of national policy and that it is often subject to intense scrutiny for compliance with Federal rules and regulations. WMATA also serves as a model for the transit industry throughout the U.S. and beyond. WMATA operates one of the most modern rapid transit systems in the U.S. and it is the second largest (to New York City) in terms of daily ridership.

It is envisioned that FTA will be a resource for TOC, and that TOC will be both a force and a resource to encourage proactive safety and security initiatives within WMATA (and other fixed guideway systems, if applicable) to fully exploit the concepts of system safety and system security.

Appendix B: TOC Contact List

Tri-State Oversight Committee (TOC) Members and Related Organizations
Contact Information
February 2009

Name	TOC Role	Title	Organization	Business Address	Office Phone	Mobile Phone	Fax	Email
John Contestabile	**TOC Chair**	Director, Office of Engrg, Pro-curement, Emergency Services	Maryland Department of Transportation	7201 Corporate Center Dr. Hanover, MD 21076	410-865-1120	443-463-5073	410-865-1388	jcontestabile@mdot.state.md.us
Eric Madison	**TOC Vice Chair**	Transportation Planner	District of Columbia Department of Transportation	2217 14th St. NW, 2nd Fl Washington, DC 20009	202-673-1747	202-391-8518	202-673-1734	eric.madison@dc.gov
Matt Bassett	**TOC Member**	Manager, Rail Safety and Security	Maryland Department of Transportation	7201 Corporate Center Dr. Hanover, MD 21076	410-865-1230	443-250-4407	410-865-1388	mattbassett@gmail.com
Emile Smith	**TOC Member**	Homeland Security Coordinator	District of Columbia Department of Transportation	2000 14th St. NW, 5th Fl Washington, DC 20009	202-671-4040	202-497-3834	202-671-0650	emile.smith@dc.gov
Eloy Recio	**TOC Member**	Manager of Rail Safety Oversight	Virginia Department of Rail and Public Transportation (DRPT)	1313 East Main Street Richmond, VA 23219	804-786-7451	804-382-4394		eloy.recio@drpt.virginia.gov
Kevin Page	**TOC Member**	Chief of Rail Transportation	Virginia Department of Rail and Public Transportation (DRPT)	1313 East Main Street Richmond, VA 23219	804-786-3963	804-840-3706		kevin.page@drpt.virginia.gov
Mike Flanigon	**FTA Oversight**	Director, Office of Safety and Security	Federal Transit Administration (FTA)	1200 New Jersey Ave., SE Washington, DC 20590	202-366-0235			Mike.Flanigon@dot.gov
Levern McElveen	**FTA Oversight**	Safety Team Leader	Federal Transit Administration (FTA)	1200 New Jersey Ave., SE Washington, DC 20590	202-366-1651		202-366-7951	levern.mcelveen@dot.gov
Brian Glenn	**FTA Oversight**	Director, Washington Metropolitan Office	Federal Transit Administration (FTA)	1990 K St NW Washington, DC 20006	202-219-3562	202-306-0674	202-219-3545	brian.glenn@fta.dot.gov
George Heilmann	**TSA Oversight**	Assistant Federal Security Director, Mid Atlantic Region	Transportation Security Administration (TSA)	601 S. 12th St., Routing 29 Arlington, VA 22202-4220	703-603-2580	202-834-4227	703-603-0414	george.heilmann@dhs.gov
Carl Kalish	**Provides Contracting (TRA) Services to TOC**	Director of Purchasing and Facilities	Metropolitan Washington Council of Governments (MWCOG)	777 N. Capitol St. NW Suite 300 Washington, DC 20002	202-962-3222		202-962-3201	ckalish@mwcog.org
Emeka Moneme		Chief Administrative Officer	Washington Metropolitan Area Transit Authority (WMATA)	600 5th St. NW Washington, DC 20001	202-962-1900		202-962-6483	emoneme@wmata.com
Alexa Dupigny-Samuels		Chief Safety Officer	Washington Metropolitan Area Transit Authority (WMATA)	600 5th St. NW Washington, DC 20001	202-962-2172	202-302-5039	202-962-2695	adsamuels@wmata.com
Michael Taborn		Chief of Police	Washington Metropolitan Area Transit Authority (WMATA)	600 5th St. NW Washington, DC 20001	202-960-2150		202-962-2491	mataborn@wmata.com
Dave Kubicek		Assistant General Manager - Rail	Washington Metropolitan Area Transit Authority (WMATA)	600 5th St. NW Washington, DC 20001	202-962-2585			dkubicek@wmata.com
Jennifer Donald		Lt., Research and Planning Division, WMATA Police	Washington Metropolitan Area Transit Authority (WMATA)	600 5th St. NW Washington, DC 20001	202-962-2176	202-236-1279	202-962-2491	jsdonald@wmata.com
Ron Edwards		Manager, Rail Safety	Washington Metropolitan Area Transit Authority (WMATA)	600 5th St. NW Washington, DC 20001	202-962-1473	202-441-9852	202-962-2695	redwards@wmata.com
Darren McCoy		Safety Data Liaison Officer	Washington Metropolitan Area Transit Authority (WMATA)	600 5th St. NW Washington, DC 20001	202-962-2844	202-236-4280	202-962-2695	djmccoy@wmata.com
Sharief Hashim		Safety Officer	Washington Metropolitan Area Transit Authority (WMATA)	5801 Sunnyside Avenue Building B College Park, MD 20740	202-962-5816	202-365-8527	202-962-5882	shashim@wmata.com
Annabelle Boyd	**FTA's Consultant**	President	Boyd Caton Grant (BCG)	1145 Grove Park Lane Earlysville, VA 22936	434-973-3472	434-466-4727	434-974-6424	aboyd@bcgtrans.com
Jim Caton	**FTA's Consultant**	Vice President	Boyd Caton Grant (BCG)	1145 Grove Park Lane Earlysville, VA 22936	434-973-3472	434-390-7637	434-974-6424	jcaton@bctrans.com
Andy Lofton	**FTA's Consultant**	Associate	Boyd Caton Grant (BCG)	2216 Greenbrier Dr Charlottesville, VA 22901	434-971-7274	434-409-1784	202-330-5551	alofton@bcgtrans.com
Ken Korach	**TOC's Consultant**	President, Senior Consultant	Transportation Resource Associates, Inc. (TRA)	1608 Walnut St. Ste 1602 Philadelphia, PA 19103	215-546-9110	267-679-9422	215-546-9120	kenneth.korach@traonline.com

Name	TOC Role	Title	Organization	Business Address	Office Phone	Mobile Phone	Fax	Email
Tom Luglio	**TOC's Consultant**	Vice President, Project Manager	Transportation Resource Associates, Inc. (TRA)	1608 Walnut St. Ste 1602 Philadelphia, PA 19103	215-498-4562	215-498-4562	215-546-9120	thomas.luglio@traonline.com
Rob Kogan	**TOC's Consultant**	Project Analyst	Transportation Resource Associates, Inc. (TRA)	1608 Walnut St. Ste 1602 Philadelphia, PA 19103	215-546-9110	202-365-9463	215-546-9120	robert.kogan@traonline.com
Dennis Womack-Kalla	**TOC's Consultant**	Senior Consultant	Transportation Resource Associates, Inc. (TRA)	1608 Walnut St. Ste 1602 Philadelphia, PA 19103	215-546-9110	215-518-6334	215-546-9120	dennis.womack-kalla@traonline.com
Jimmy Hill	**TOC's Consultant**	Vice President, Senior Consultant	Transportation Resource Associates, Inc. (TRA)	1608 Walnut St. Ste 1602 Philadelphia, PA 19103	215-546-9110	609-217-4839	215-546-9120	james.hill@traonline.com
Dan Hauber	**TOC's Consultant**	Vice President, Senior Consultant	Transportation Resource Associates, Inc. (TRA)	1608 Walnut St. Ste 1602 Philadelphia, PA 19103	215-546-9110	609-320-8111	215-546-9120	daniel.hauber@traonline.com
Chris Wallgren	**TOC's Consultant**	Vice President, Senior Consultant	Transportation Resource Associates, Inc. (TRA)	1608 Walnut St. Ste 1602 Philadelphia, PA 19103	212-300-4287	917-520-2153		christopher.wallgren@traonline.com
Todd Schwartz	**TOC's Consultant**	Project Analyst	Transportation Resource Associates, Inc. (TRA)	1608 Walnut St. Ste 1602 Philadelphia, PA 19103	215-546-9110	267-253-3820	215-546-9120	todd.schwartz@traonline.com

Appendix C: Sample Incident Fact Report

METRO

SYSTEM SAFETY AND RISK MANAGEMENT

SAMPLE INCIDENT FACT REPORT

Note: This document is being prepared in anticipation of litigation.

Incident Information:
Event ID #
Date of Incident:
Time of Incident: **hh:** **AM**
Incident Type: **Type**
Incident Category: **Other:**
Secondary Event:**N/A**
Location Type: **N/A**
Location Address:
Chain Marker/Mile Post: **N/A**
Method of Safety Office Notification: **OnCall Page**
Safety Office Notification Time: **hh:31 AM**
Reporting Threshold:**N/A**

Incident Conditions:
Traffic Control: **N/A**
Train Control: **N/A**
Lane Markings:**N/A**
Grade Crossing Control:**N/A**
Traffic Conditions: **N/A**
Posted Speed Limit:**N/A**
TrackType: **N/A**
Track Configuration: **N/A**
Lighting: **N/A**
Surface Condition: **N/A**
Weather: **N/A**
Temperature: **Cold 33-49** °
Other: **N/A**

Metro Vehicle Information: **Vehicle # 1 (V1)**
Vehicle Type/Number
Line/Block **N/A**
Direction: **N/A**
Vehicle Action: **N/A**

Operator #1 (O1):
Employee ID#
Operator's Division: **N/A TMYG**
Seat Belt Use: **Unknown**
Post Incident test: **Unknown**

Other Operator:
Operator # 2 (O2): **N/A**
Operator # 3 (O3): **N/A**
Operator # 4 (O4): **N/A**

Involved Vehicle Description/Action:
Vehicle # 2 (V2): /Action: **N/A**
Vehicle # 3 (V3): /Action: **N/A**
Vehicle # 4 (V4): **N/A** /Action: **N/A**

Injuries:
1. Involvement: **N/A** /Fatalities: **None** / Transported: **None**
2. Involvement: **N/A** /Fatalities: **None** / Transported: **None**
3. Involvement: **N/A** /Fatalities: **None** / Transported: **None**
Hospital: 1. **N/A** 2. **N/A** 3. **N/A** Medic #**Type in Here**

Damage Estimate:
Vehicle #1: **N/A**-Vehicle #2: **N/A**-Vehicle #3: **N/A**-Vehicle #4: **N/A**
Total All Damage: N/A

Persons on Location:Safety

Evidence: 1. **None** 2. **N/A** 3. **N/A**

Attachments: N/A

METRO

SYSTEM SAFETY AND RISK MANAGEMENT

SAMPLE INCIDENT FACT REPORT

Incident Description:
Root Cause Analysis: Probable Cause Category: **Under Investigation** Probable Causal Factor: **1. N/A** **2. N/A** **3. N/A**
Corrective Action: Recommended Action: **1. None** **2. None** **3. None** Implemented/Planned Corrective Action: **N/A** Hazard Status: **N/A**
Internal Reporting/Distribution: Office File **Required Investigative Reporting: Fact Report/Comprehensive Report**
External Reporting:N/A @ **hh**:**46 AM** **Police Report Number**: **N/A**

Appendix D: SSPP Checklist

TOC REVIEW OF WMATA SSPP

Sample Checklist

#	CHECKLIST ITEM	SSPP REQUIREMENTS Does the SSPP contain or provide for the following:	INCLUDED Yes — No	§ REF.	COMMENTS
1.	Policy Statement	• A policy statement is developed for the System Safety Program Plan (SSPP). • The policy statement describes the authority that establishes the system safety program plan. • The policy statement is signed and endorsed by the rail transit agency's chief executive.			
2.	Purpose, Goals and Objectives	• The purpose of the SSPP is defined. • Goals are identified to ensure that the SSPP fulfills its purpose. • Objectives are identified to monitor and assess the achievement of goals. • Stated management responsibilities are identified for the safety program to ensure that the goals and objectives are achieved.			

#	CHECKLIST ITEM	SSPP REQUIREMENTS Does the SSPP contain or provide for the following:	INCLUDED Yes — No	§ REF.	COMMENTS
3.	Management Structure	• An overview of the management structure of the rail transit agency is provided including an organization chart. • Organizational structure is clearly defined and includes: o History and scope of service, o Physical characteristics, and o Operations and Maintenance. • A description of how the safety function is integrated into the rest of the rail transit organization is provided. • Clear identification of the lines of authority used by the rail transit agency to manage safety issues is provided.			
4.	Plan Review and Modification	• An annual assessment of whether the system safety program plan should be updated is specified. • The process used to control changes to the system safety program plan is described. • Specific departments and persons responsible for initiating, developing, approving, and issuing changes to the SSPP are identified. • Required coordination with the oversight agency regarding plan modification, including timeframes for submission, revision, and approval, is addressed.			

#	CHECKLIST ITEM	SSPP REQUIREMENTS Does the SSPP contain or provide for the following:	INCLUDED Yes — No	§ REF.	COMMENTS
5.	Plan Implementation	• A description of the specific activities required to implement the system safety program plan is included. • Tasks to be performed by the rail transit safety function, by position and management accountability, are identified and described. • A description of the methodologies used by the system safety function to achieve their safety responsibilities should be provided. • Safety-related tasks to be performed by other rail transit departments, by position and management accountability, are identified and described. • A task matrix (or an equivalent narrative description) showing: all identified safety responsibilities, interfaces among all rail transit units responsible for each task, and the key reports or actions required, should be provided.			
6.	Hazard Management Process	• The process used by the rail transit agency to implement its hazard management program, including the role of the oversight agency in providing on-going monitoring, is described. • The hazard management process includes activities for: hazard identification, hazard investigation, evaluation, and analysis, hazard control and elimination, hazard tracking. • Requirements for on-going reporting to the oversight agency relating to hazard management activities and status are specified.			

TOC REVIEW OF WMATA SSPP

Sample Checklist

#	CHECKLIST ITEM	SSPP REQUIREMENTS Does the SSPP contain or provide for the following:	INCLUDED Yes — No	§ REF.	COMMENTS
7.	Safety Certification Process	• A description of the safety certification process required by the rail transit agency to ensure that safety concerns and hazards are adequately addressed prior to the initiation of passenger operations for New Starts and subsequent major projects to extend, rehabilitate, or modify an existing system, or to replace vehicles and equipment.			
8.	System Modifications	• The process used by the rail transit agency to ensure that safety concerns are addressed in modifications to existing systems, vehicles, and equipment, which do not require formal safety certification, but which may have safety impacts, is described.			
9.	Safety Data Acquisition	• The process used to collect, maintain, analyze, and distribute safety data is clearly defined. • The management process for ensuring that the safety function within the rail transit organization receives the necessary information to support implementation of the system safety program is clarified.			

TOC REVIEW OF WMATA SSPP

Sample Checklist

#	CHECKLIST ITEM	SSPP REQUIREMENTS Does the SSPP contain or provide for the following:	INCLUDED Yes — No	§ REF.	COMMENTS
10.	Incident Notification, Investigation, and Reporting	• A description is provided regarding the process used by the rail transit agency to perform accident notification, investigation and reporting. • Criteria for determining what accidents/incidents require investigation, and who is responsible to conduct specific investigations are developed. • A description of the procedures for performing investigations, including proper documentation and reporting of findings, conclusions reached, use of hazard resolution process to develop corrective action recommendations, and follow-up to verify corrective action implementation is provided. • Notification thresholds for internal departments/functions are defined. • Criteria are specified for notifying external agencies (NTSB, state oversight agency) of accidents and incidents. • Procedures are established for documenting and reporting on accident investigations. • Process used to develop, implement, and track corrective actions that address investigation findings is specified. • Coordination with the oversight agency is specified.			

TOC REVIEW OF WMATA SSPP

Sample Checklist

#	CHECKLIST ITEM	SSPP REQUIREMENTS Does the SSPP contain or provide for the following:	INCLUDED Yes — No	§ REF.	COMMENTS
11.	Emergency Management Program	• The agency's emergency planning responsibilities and requirements are identified. • A description of the process used by the rail transit agency to develop an approved, coordinated schedule for emergency management program activities is provided. • Required meetings with external agencies regarding the emergency management program are specified. • The process used to evaluate emergency preparedness, such as annual emergency field exercises, is documented. • After action reports and implementation of findings are required. • The process is explained to be used by the rail transit agency for the revision and distribution of emergency response procedures. • The agency's responsibilities for providing employee training are identified. • The agency's responsibilities for providing familiarization training to local public safety organizations are identified.			

#	CHECKLIST ITEM	SSPP REQUIREMENTS Does the SSPP contain or provide for the following:	INCLUDED Yes — No	§ REF.	COMMENTS
12.	Internal Safety Audit Program	• A description of the process used by the rail transit agency to ensure that planned and scheduled internal safety audits are performed to evaluate compliance with the SSPP is included. • Identification of departments and functions subject to audit is performed. • Auditors must be independent from the first line of supervision responsible for the activity being audited. • A three-year audit schedule must be developed, reviewed, maintained and updated to ensure that all 21 SSPP elements are reviewed during the audit cycle. • The process for conducting audits, including the development of checklists, and procedures for conducting audits and issuing of findings is described. • The SSPP must describe the requirement of an annual audit report that summarizes the results of individual audits performed during the previous year and includes the status of required corrective action items. This report must be submitted to the state oversight agency for review and approval. • The process for resolving problems and disagreements, report distribution, and follow-up on corrective action procedures is described. • The ISAP process and reporting must be coordinated with the state oversight agency. • The ISAP process should be comprehensive.			

TOC REVIEW OF WMATA SSPP

Sample Checklist

#	CHECKLIST ITEM	SSPP REQUIREMENTS Does the SSPP contain or provide for the following:	INCLUDED Yes — No	§ REF.	COMMENTS
13.	Rules Compliance	• Operating and maintenance rules and procedures that affect safety are identified. • Operating and maintenance rules and procedures that affect safety are reviewed for their effectiveness and determinations are made regarding their need to be updated. • Description of process for developing, maintaining, and ensuring compliance with operating and maintenance rules and procedures. • Techniques used to assess the implementation of operating and maintenance rules and procedures by employees, such as performance testing/compliance checks. • Techniques used to assess the effectiveness of supervision relating to the implementation of operating and maintenance rules. • Process for documenting results and incorporating them into the hazard management program.			

TOC REVIEW OF WMATA SSPP

Sample Checklist

#	CHECKLIST ITEM	SSPP REQUIREMENTS Does the SSPP contain or provide for the following:	INCLUDED Yes — No	§ REF.	COMMENTS
14.	Facilities and Equipment Inspections	• Identification of the facilities and equipment that are subject to regular safety related-inspection and testing is provided. • A description of how safety-related equipment and facilities are included in a regular inspection and testing program is provided. • Use of a written checklist for conducting facility inspections. • Descriptions of how identified hazardous conditions are entered into the Hazard Resolution Process.			
15.	Maintenance Audit and Inspection Program	• A list of systems and facilities subject to a maintenance program, along with established maintenance cycle and required documentation of maintenance performed for each item, is provided. • A description of the process for tracking and resolving problems identified during inspections is provided. • Use of a written checklist for conducting maintenance audits is required.			

TOC REVIEW OF WMATA SSPP

Sample Checklist

#	CHECKLIST ITEM	SSPP REQUIREMENTS Does the SSPP contain or provide for the following:	INCLUDED Yes — No	§ REF.	COMMENTS
16.	Training and Certification Program	• A description of the training and certification program for employees and contractors is provided. • Categories of safety-related work requiring training and certification are identified. • Description of the training and certification program for employees and contractors in safety-related positions is provided. • Description of the training and certification program for contractors is provided. • The process used to maintain and access employee and contractor training records is described. • The process used to assess compliance with training and certification requirements is described.			
17.	Configuration Management Process	• A description of the configuration management control process is provided and appropriate references are made to other rail transit agency documents governing this process. • Process for making changes is described. • Authority to make configuration changes is described and assurances are provided for formal notification of all involved departments.			

TOC REVIEW OF WMATA SSPP

Sample Checklist

#	CHECKLIST ITEM	SSPP REQUIREMENTS Does the SSPP contain or provide for the following:	INCLUDED Yes — No	§ REF.	COMMENTS
18.	Compliance with Local, State and Federal Safety Requirements	• A description of the safety program for employees and contractors that incorporates the applicable local, state, and federal requirements is provided. • Safety requirements that employees and contractors must follow when working on, or in close proximity to, rail transit agency controlled property are identified. • Processes for ensuring the employees and contractors know and follow the requirements are described.			
19.	Hazardous Materials Program	• A description of the hazardous materials program, including the process used to ensure knowledge of and compliance with program requirements is provided.			
20.	Drug and Alcohol Program	• A description of the drug and alcohol program and the process used to ensure knowledge of and compliance with program requirements is provided.			
21.	Procurement	• A description of the measures, controls, and assurances in place to ensure that safety principles, requirements, and representatives are included in the rail transit agency procurement process.			

TOC REVIEW OF WMATA SSPP

Sample Checklist

GENERAL COMMENTS – WMATA SSPP REVIEW

. § REF.	COMMENT

Appendix E: SEPP Checklist

Sample Checklist for Reviewing the System Security and Emergency Preparedness Plan

Rail Transit Agency (RTA): WMATA

State Oversight Agency Reviewer: _____ Date: _____

#	CHECKLIST ITEM	PLAN REQUIREMENTS Does the PLAN contain or provide for the following:	INCLUDED Yes — No	PAGE REF.	COMMENTS
	General Document Comments	• The table of contents and revision record pages are not numbered			
		• Date of this version of the SEPP			
		• Document Revision Record			
		• SEPP Revisions in 2008			
		• Policy statement			
		• Section Heading 1.0-Program Intro from			
		• Footer informing of SSI			
		• Empty Headings			
		• Bibliography			

Sample Checklist for Reviewing the System Security and Emergency Preparedness Plan

#	CHECKLIST ITEM	PLAN REQUIREMENTS Does the PLAN contain or provide for the following:	INCLUDED Yes — No	PAGE REF.	COMMENTS
1.	Policy Statement	• A policy statement should be developed for the System Security and Emergency Preparedness Plan. • The policy statement should describe the authority that establishes the SEPP, including statutory requirements and the rail transit agency's relationship with the oversight agency. • The policy statement is signed and endorsed by the rail transit agency's chief executive.			
1.1	Purpose	• The SEPP should identify the purpose of the security program endorsed by the agency's chief executive. • The SEPP should introduce the concept of "system security." • The SEPP introduce the concept of "emergency preparedness."			
1.2	Goals and Objectives	• The SEPP should identify the goals of the SEPP program endorsed by the agency's chief executive. • The SEPP should identify the objectives of the SEPP program endorsed by the agency's chief executive.			
1.3.	Scope	• Describe the scope of the SEPP and Program.			
1.4	Security and Law Enforcement	• Describe the security and law enforcement functions that manage and support implementation of the SEPP.			
1.5	Management Authority and Legal Aspects	• Describe the authority which oversees the operation and management of the rail transit agency, including its security/police function.			
1.6	Government Involvement	• Describe how the SEPP interfaces with local, state and federal authorities to ensure security and emergency preparedness for the system.			

Sample Checklist for Reviewing the System Security and Emergency Preparedness Plan

#	CHECKLIST ITEM	PLAN REQUIREMENTS Does the PLAN contain or provide for the following:	INCLUDED Yes — No	PAGE REF.	COMMENTS
1.7	Security Acronyms and Definitions	• Provide a listing of acronyms and definitions used in the SEPP.			
2.1	Background and History	• A description of the agency including general overview, a brief history and scope of rail transit services provided.			
2.2	Organizational Structure	• Organizational charts showing the lines of authority and responsibility as they relate to security and emergency preparedness.			
2.3	Human Resources	• Provide a categorization and break-down of all employees and contractors who work for/on the rail transit agency.			
2.4	Passengers	• Provide a description of the rail transit agency's ridership.			
2.5	Services and Operations	• Describe the rail transit agency's operations and services.			
2.6	Operating Environment	• Describe the rail transit agency's operating environment.			
2.7	Integration with Other Plans	• Describe how the SEPP integrates with other plans and programs maintained by the rail transit agency.			
2.8	Current Security Conditions	• Description of the current security conditions at the rail transit agency and the types of security incidents experienced by the transit system and their frequency of occurrence.			
2.9	Capabilities and Practices	• Summary description of methods and procedures, devices, and systems utilized to prevent or minimize security breaches, including passenger education, campaigns, delay, detection, and assessment devices, and others that may be applicable.			

Sample Checklist for Reviewing the System Security and Emergency Preparedness Plan

#	CHECKLIST ITEM	PLAN REQUIREMENTS Does the PLAN contain or provide for the following:	INCLUDED Yes — No	PAGE REF.	COMMENTS
3.1	Responsibility for Mission Statement	• Identification of the person(s) responsible for establishing transit system security and emergency preparedness policy and for developing and approving the SEPP.			
3.2	Management of the SEPP Program	• Identification of the person(s) with overall responsibility for transit security and emergency preparedness, including day-to-day operations, SEPP-related internal communications, liaison with external organizations, and identifying and resolving SEPP-related concerns.			
3.3	Division of Security Responsibility	• Listing of SEPP-related responsibilities of the personnel who work within the transit agency security/police function. • Listing of SEPP-related responsibilities of other departments/functions, including their relationship to the security/police function. • Listing of security-related responsibilities for other (non-security/police) rail transit agency employees, including their relationship to the employee's other duties. • A SEPP Program Roles and Responsibilities Matrix should be developed showing interfaces with other transit system departments/functions and the key reports or actions required. • The responsibilities of external agencies for supporting SEPP development and implementation should be identified. • The committees developed by the rail transit agency to address security issues should be identified.			
4.1	Planning	• Identification of SEPP activities and programs in place at the rail transit agency to support planning for system security and emergency preparedness.			
4.2	Organization	• Identification of the organization of SEPP-related activities and programs and the ability to coordinate with external response agencies.			

Sample Checklist for Reviewing the System Security and Emergency Preparedness Plan

#	CHECKLIST ITEM	PLAN REQUIREMENTS Does the PLAN contain or provide for the following:	INCLUDED Yes — No	PAGE REF.	COMMENTS
4.3	Equipment	• Description of the equipment used to support implementation of the SEPP program.			
4.4	Training and Procedures	• Description of SEPP-related training and procedures available to ensure employee proficiency.			
4.5	Exercises and Evaluation	• Description of SEPP-related activities to ensure the conduct of emergency exercises and evaluation.			
5.1	Threat and Vulnerability Identification	• Description of the rail transit agency's activities to identify security and terrorism-related threats and vulnerabilities.			
5.2	Threat and Vulnerability Assessment	• Description of the rail transit agency's activities to assess the likely impacts of identified threats and vulnerabilities on the system and to identify particular vulnerabilities which require resolution.			
5.3	Threat and Vulnerability Resolution	• Description of how response strategies (both short- or long-term strategies) are developed for prioritized vulnerabilities, including the decision process used to determine whether to eliminate, mitigate, or accept security problems.			
6.1	Required Tasks for Goals and Objectives	• Identification of tasks to be performed to implement the goals and supporting objectives required to implement the SEPP.			
6.2	Task Schedule	• General schedule with specific milestones for implementation of the security program, threat and vulnerability analyses, staff security training, and regular program reviews during the implementation process.			
6.3	Evaluation	• Description of the types of internal management reviews to be conducted, the frequencies of the reviews, and the person(s) responsible.			
7.1	Initiation of SEPP Revisions	• Description of process used to initiate revisions to the security plan, gather input for the revisions, procedures for updating the security plan, and identification of responsible person(s).			

Sample Checklist for Reviewing the System Security and Emergency Preparedness Plan

#	CHECKLIST ITEM	PLAN REQUIREMENTS Does the PLAN contain or provide for the following:	INCLUDED Yes — No	PAGE REF.	COMMENTS
7.2	Review Process	• Description of the process used to review and revise the security plan as necessary, including frequency of reviews, and responsible person(s).			
7.3	Implement Modifications	• Description of process used to communicate and disseminate new and revised procedures and other elements of the security plan to appropriate transit agency staff.			