

D.C. METRO: IS THERE A SAFETY GAP?

JOINT HEARING

BEFORE THE
SUBCOMMITTEE ON TRANSPORTATION,
AND PUBLIC ASSETS
AND THE
SUBCOMMITTEE ON GOVERNMENT OPERATIONS
OF THE
COMMITTEE ON OVERSIGHT
AND GOVERNMENT REFORM
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D.C. METRO: IS THERE A SAFETY GAP?

Friday, February 13, 2015

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON TRANSPORTATION AND PUBLIC
ASSETS, JOINT WITH THE SUBCOMMITTEE ON
GOVERNMENT OPERATIONS,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC.

The subcommittees met, pursuant to notice, at 9:05 a.m., in room 2154, Rayburn House Office Building, Hon. John L. Mica (chairman of the subcommittee) presiding.

Present from Subcommittee on Transportation and Public Assets: Representatives Mica, Amash, Massie, Grothman, Chaffetz, DeSaulnier, Boyle, and Cummings.

Present from Subcommittee on Government Operations: Representatives Meadows, Jordan, Walberg, Massie, Mulvaney, Buck, Carter, Grothman, Connolly, Maloney, Norton, and Clay.

Also present: Representative Beyer.

Mr. MICA. Good morning. And I'd like to welcome everyone and call to order this joint hearing this morning of the Transportation and Public Assets Subcommittee along with the Government Operations Subcommittee. Welcome, everyone.

The topic of our hearing today is "D.C. Metro: Is There a Safety Gap?" With that question, we will address the matter of the recent unfortunate death and incident we had in the D.C. Metro.

And welcome our witnesses this morning. We'll introduce you shortly.

The order of business will be first I'll start with an opening statement, then we'll go to the acting ranking member. And I understand Ms. Duckworth is to be back with us soon, proud mother of a new baby girl. And then we'll go to Mr. Meadows, who chairs the Government Operations Subcommittee, and then Mr. DeSaulnier, who we'll recognize for his Statement, and other members.

So with that, without objection, the chair is authorized to declare a recess at any time. Also would ask unanimous consent that our colleagues from the 8th and 10th Districts of Virginia, Mr. Don Beyer and Congresswoman Barbara Comstock, be allowed to fully participate in today's hearing. Without objection, so ordered.

And with that, let me start with my opening Statement, then we'll proceed. So, again, I thank you for coming. This is an important hearing. Both of the subcommittees have jurisdiction. We are fortunate to chair a new transportation oversight subcommittee, working with Mr. Meadows and Mr. Connolly and others. It's a day that we find ourselves about 1 month ago yesterday when a Wash-

ington native, Carol Glover, tragically lost her life as she and hundreds of other passengers on a Yellow Line train, Metro train, where stuck for over an hour in a smoke-filled tunnel. And that was just 100 yards away from the L'Enfant Metro Plaza Station. More than 80 people were hospitalized in that incident.

Now, we do have pretty broad authority, but specifically Congress does have a unique relationship with the District of Columbia, and this committee specifically has a unique responsibility to the District of Columbia as far as oversight and responsibility to really monitor incidents like this in a transit system that serves not only the region but also our Nation's capital and receives a very significant amount of Federal dollars.

The investigation into this incident is still underway, but any loss of life and an incident like this certainly deserves our attention and our review, particularly at this point, especially considering some of the alarming facts that have come to light in just the last 30 days since the incident. There are some things that we know and some things we are learning. I brought this paper, headline of yesterday's paper, "NTSB: Metro Fans Set Wrong." That was kind of startling for all of us to learn yesterday.

We know and we've heard the District has reviewed some of this incident also, but we know that there were some very serious communication issues between Metro and first responders. We also know that radios used by D.C. fire and emergency service workers only work sporadically and that firefighters had to use an alternative method of communication, such as runners and personal cell phones.

We also know that it took over an hour to evacuate all of the passengers off the train. And we know, of course, I think that everyone who has looked at this to date has said that the response could and should have been much better.

Today's hearing is not just about the January 12 incident, but rather how our regional transportation system responsibly and that agency and numerous agency and area responders can do a better job, be prepared to do a better job, and how to react better in emergencies.

It has been nearly 14 years since the terrorist attack of September 11. Since then, the National Capital region alone has received over a billion dollars in Federal taxpayer money and FEMA preparedness grant programs. In fact, the authority here has received over \$200 million in Homeland Security grants—these are significant amounts of money—to try to make us prepared. That was with a loss of life, but it was a small incident, and what we might have is this area again being the target of a terrorist act and face a much more horrific incident.

Yet firefighters were unable to get timely and accurate information about the emergency and were unable to use their life-saving communication equipment in the tunnel and also in the station. Metro provides rescue training for regional first responders, and yet at the D.C. Council hearing last week we learned that only 100 D.C. firefighters attended this training session last year. Something's wrong when you have those numbers.

According to D.C. fire, requests were made to Metro to cease all Metrorail traffic in and around L'Enfant Station so that the first

responders had assurances they were safe from any train traffic. NTSB is investigating some of these allegations and also that this request initially fell on deaf ears.

Had an opportunity yesterday to go down, hear from an NTSB representative, and visit NTSB. If you haven't done that, members, I highly recommend it. Only took about an hour, but you'll see some of the incredible work. Actually, looked at some of the equipment and some of the damage to rail items that were taken from that site that they are now inspecting. But the NTSB does a great job. And, again, I encourage members to go and see firsthand what they are doing.

D.C. Metro is, in fact, one of the most important transit systems in the country. It serves our Nation's capital. It not only serves millions of Federal employees and daily commuters, but it also helps people from around the United States, some of them are constituents, people from around the world, come to this, our Capital City. And they should have a safe, reliable system. In fact, I checked this morning, and what are the figures here? About three-quarters of a million people a day use the Metro system. Over 200 million people a year use the Metro system. It is one of the most active in the Nation in any metropolitan area. Anyone who rides Metro should know it is safe and secure, and it is our responsibility to followup on that.

While we're all pleased about the urgent recommendations and steps that NTSB has already made, and some of the steps that the city has taken to deal with the issues and problems that have been brought to light, there appears to be some commonsense solutions to all of these problems. Also, just the way we deal with Metro.

I keep in my desk drawer some of my Metro cards. This is the one from New York City. I just pulled these out this morning. This is the one from here in the District. Okay. The back of the D.C. Metro card says, "Know more. Know first," and it talks a little bit—this is fine print, I can barely read it, and I have some pretty good eyesight for my age.

Mr. CONNOLLY. Can I help you?

Mr. MICA. No, I'm telling you, I can read it. It talks about you must produce this card for the police. It talks about a consumer hotline, I guess you can call. This is the D.C. card. Again, I just pulled these out of my drawer today. Here is the New York Metro card in huge bold letters, "Subway emergency instructions," and then it tells you a little bit. I spoke to common sense. I guess emergency information on something like that is something we could even look at.

So, again, I think this is a hearing to find out what went wrong and what we can do to make things right.

Finally, as far as our committee and the transportation committee, I recall that we had done something in the MAP-21 bill and following—this is in a report we're releasing today—following the 2009 Fort Totten collision, NTSB called for enhanced statutory authority to get the authority from FTA because the agency was barred from performing adequate safety oversight on Washington Metro.

With the enactment of MAP-21, our transportation bill, on July 6, 2012, FTA was granted authority—that's 3 years ago—they were

granted authority to oversee the safety of public transportation throughout the United States and also on Metro. So far FTA has not made any rules, not a single rule to increase safety of public transportation. However, last week FTA announced that it will audit Washington Metro safety procedures.

So some things have been done to try to address this by Congress. Agencies were given authority to act and they did not act. So that's a concern and we'll address that.

So, again, I hope this hearing can make an incident like this, again, a very sad memory, but something we could do better and learn from. So, again, I appreciate you all participating. I look forward to hearing from our witnesses.

Let me turn to Ranking Member Mr. Connolly.

Mr. CONNOLLY. Thank you, Mr. Chairman. And thanks to you and Mr. Meadows for so graciously agreeing to have this hearing. It is of great import to all of us, but particularly all of us who represent parts of the National Capital region. And we really appreciate your willingness to do this for Mark and me at our first subcommittee hearing. So thank you.

On January 12 public confidence in Metro was shaken once again by a deadly electrical arcing and smoke accident near L'Enfant Plaza that tragically took the life of one of our constituents in Virginia, Ms. Carol Glover. On behalf of every member of this committee, I know, we offer our deepest condolences to her family and our sincere gratitude to the brave first responders and good samaritans, one of who is with us today, who acted courageously to help the passengers stuck on the smoke-filled Metro car, train number 302.

We also want to take a moment to thank Mr. Jonathan Rogers, one of our witnesses today, who demonstrated tremendous courage and coolness under difficult circumstances in braving the deadly smoke to tend to his fellow passengers and to administer CPR to try and revive Mrs. Glover. We owe it to Mrs. Glover's family and all of the passengers on that train to do everything in our power not only to fully uncover why this accident took place, but to also integrate all lessons learned to ensure it never happens again.

The Washington Metropolitan Area Transit Authority was established by an interState compact in 1967 to plan, develop, build, finance, and operate a balanced regional transportation system in the National Capital area. And one does need to take a moment here so that the narrative isn't only about what goes wrong. From nothing, this region built the second most utilized transit system in America and serves especially the Federal Government, the biggest customer, the most dependent, and the biggest beneficiary of Metro every day. When Metro doesn't function, the Federal Government has to shut down. And the Federal Government is the only entity not at the table providing an operating subsidy.

The chairman mentioned that there is substantial financial support from the Federal Government. That's true, I guess, on the capital side. There's a 10-year plan. The Federal Government provides \$150 million a year, and we are very grateful to especially Mr. Mica for his support when he was chairman of the Transportation and Infrastructure Committee in that program. My predecessor Tom Davis in this job was instrumental in offering that legislation. But

that's only for capital. There is not a dime of Federal money that goes into operating subsidies.

So the subsidies are borne entirely by the local jurisdictions, even though, as the chairman points out, this is the Nation's capital subway and we bear the burden of 12 million visitors who come to visit their Nation's capital every year, and it is somehow the responsibility and burden of the localities to absorb that without any Federal help, and that's a fact. I think we have to keep that in mind. The issue before us today is not really about resources, though it's always about resources.

Metro is truly America's subway, as I said. Similar to all mass transit systems, it's not impervious to wear and tear brought on by time and millions of those riders. Prior to the incident last month, the horrific 2009 Fort Totten collision that killed 9 passengers and injured 80 more was a startling wake-up call that America's subway was aging, in need of major improvements.

In the aftermath of that, the National Transportation Safety Board found that the 1970's era 1000 series cars were susceptible to telescoping during a collision, which resulted in the loss of lives when those trains collapsed like an accordion. As we discuss the errors and failures in the most recent arcing incident at L'Enfant Plaza it is vital that we not lose sight of the fact that WMATA faces zero-sum decisions with limited funding, and in many respects devoting the majority of its focus, time, and funding toward retiring those antiquated 1000 series cars, which Congress asked them to do. It was a logical strategic decision when one considers that Metro is a multibillion-dollar system that only benefits from millions in Federal assistance.

I want to commend the NTSB for taking swift action earlier this week in issuing six urgent recommendations aimed at ensuring Metrorail's ventilation system is in good working order and that transit systems across the Nation are learning from the January 12 tragedy.

However, one remains profoundly disappointed that the NTSB recommendations were even necessary. I'm stunned that WMATA even needed an independent Federal agency to remind it that the Metrorail system must have a ventilation system in good working order. The overwhelming majority of the Metro system in Washington, DC, is underground. It is not a new fact that we might have eventualities we have to respond to.

Regrettably, our concerns have not been alleviated in preparing for this hearing. It was with great consternation, for example, that I reviewed a September 2007 NTSB accident report on the derailment of Chicago Transit Authority train number 220. It was very troubling to discover on page 49 of that report the following recommendation issued to the FTA: Inform all rail transit agencies about the circumstances of the July 11, 2006, CTA subway accident and urge them to examine and improve as necessary their ability to communicate with passengers, perform emergency evacuations from tunnel systems. Sound familiar? Including the ability, it goes on, to, one, identify the exact location of a train—hmm—locate a specific call box, and remove smoke from their tunnel systems. That was guidance issued in 2007 to all transit agencies, including Metro.

It's very frustrating that WMATA appears to have possessed the requisite information to understand the real world consequences of malfunctioning ventilation systems and the need to examine its ability to remove smoke from Metro tunnel systems and yet appears not to have taken meaningful action over the past 7 years with respect to this important FTA guidance. We certainly want to examine that in this hearing.

There is a troubling pattern where WMATA and D.C. Fire and Rescue appear to be repeating past mistakes. For example, in 2007, two NTSB members expressed serious concerns that it took more than an hour to fully evacuate passengers from two Metrorail train cars after a derailment near Mt. Vernon Station. We knew about this as a problem years ago. What have we done to make sure our passengers are safe? And that's the purpose of today's hearing and we want to get at the truth.

And so I appreciate very much our panelists being here today and our two chairmen for their graciousness in holding this hearing. I yield back.

Mr. MICA. Thank you, Mr. Connolly.

Mr. MICA. Let me now recognize Chairman Meadows of the Government Operations Subcommittee. Welcome. And I guess your first hearing. Congratulations.

Mr. MEADOWS. Thank you, Mr. Chairman. And I want to personally start out by thanking the ranking member, my good friend Gerry Connolly. This particular incident we've already had a number of conversations about. Both of us were able to meet with the Mayor yesterday. And I think it sets a good foundation for hopefully getting to the bottom of not only this problem, but certainly some of the comments that continue to get made on a regular basis by the over 200 million riders that we have annually on the Metro system.

So I'm going to deviate from my prepared remarks, primarily because the chairman and the ranking member have given you a lot of statistics, and all of those in the effort of not being redundant, I will not go into those. But first and foremost, today's hearing is really about ensuring that the Metro riders in our Nation's capital and the surrounding areas are as safe as possible.

And as I mentioned, the D.C. Metro area covers some 200 million riders annually. These are not just the hard-working citizens, although they are predominantly the ones who ride it each and every day. They are the ones that know where to go, which escalators to avoid, how to get down. As a neophyte to that, yesterday evening I went down, and I know that if you are not skilled you get run over. And so as I went down and actually participated in what millions of people do each and every week, I was able to look at it with a fresh eye and say, well, why is this happening, why is that happening? Shouldn't we have more money? You have two escalators coming up and one going down, shouldn't it be the other way at this particular time of the day. And the people I was with said, well, at least your escalators are working.

So as we see that, I can say that really more that we need to use this safety event as a wake-up call, not just because of the tragic nature of the safety event, but also to go further in terms

of what we need to do to make sure that it is properly funded, properly maintained, and properly operated each and every day.

So I'm going to close with this, because I put out on Twitter, I said, give me your recommendations, what do you think? I didn't realize how active the Twitter response would be. And so I'm going to read three Twitter responses, and this is kind of indicative of a plethora of others that we had. I had one that says, I've been commuting for 16 years (Federal worker) lack of accountability, poor management, info, general attitude of not caring. This is from a customer.

I got another one who said, Increased fares for decreased service, fires on train. This was the one that concerned: Twitter being more reliable for info than WMATA. And the third one I'll read is, Thanks for asking, main problems fare hikes without improvements in service, safety hazards, and a lack of communication.

Now, these are not my words. There are really hundreds of responses that would be very close to this. And so what I hope that we can do today is hear from the experts. That's why you're here, the experts, to give us different perspectives not only on safety, but what we need to go be doing going forward. I thank each of you for being here. I thank you for your attention to this matter. And I will yield back.

Mr. MICA. Thank you, Mr. Meadows.

Mr. MICA. And now welcome and also recognize today our acting ranking member, nice way to start out, Mr. DeSaulnier. You're from California?

Mr. DESAULNIER. The San Francisco Bay area.

Mr. MICA. Great. Well, welcome and congratulations.

Mr. DESAULNIER. Thank you, Mr. Chairman. I want to thank Chairman Meadows and the ranking member, Mr. Connolly, as well. And I want to share my condolences and concern for the entire metropolitan area from 3,000 miles away in California.

I also want to thank NTSB for hosting me and others yesterday. It was very informative. And I'm also thankful of your reputation, which is well deserved.

And to Mr. Rogers I want to add my thanks to you. You exemplified Tocqueville's observation about Americans many years ago that the genius of America resides in the simple truth that you can expect extraordinary things from ordinary Americans. So thank you for being here.

As we all know, on January 12, 2015, an electrical breaker on one section of the third rail tripped, a Yellow Line train stopped in that tunnel, and the cars filled with smoke near the L'Enfant Plaza Metro Station. This incident unfortunately resulted in the death of a passenger and hospitalization of more than 80 riders. It raises serious concerns about maintenance, oversight, and safety, particularly for the many commuters in the D.C. metropolitan area which relies so seriously for this infrastructure every day.

While this incident occurred in the D.C. area, it raises significant concerns about Federal oversight of mass transit systems nationwide. The Federal Transit Administration is charged with issuing safety regulations and a national safety plan, but has failed to do so. And as an aside, in the report in our binder it is signed by a deputy FTA administrator who I used to work for—work with, I

should say, Freudian slip—when I served 10 years on the Bay area’s metropolitan planning organization, the Metropolitan Transportation Commission. And I know she’s a consummate professional, Therese McMillan.

In addition, it appears that recommendations made to Metro by the National Transportation Safety Board after previous safety incidents were not fully implemented. So just to be clear, Metro has deficiencies to answer for, but so do Federal regulators. As Mr. Connolly said, Metro is America’s subway and this has national implications. For those of us who have fought for increased transit in regional and local and State government, and believe that Americans, particularly younger Americans, as we become even more urbanized, need choices when it comes to transportation in congested areas like Washington, DC, New York, Chicago, Los Angeles, and San Francisco. We want to give commuters choices, and that requires reliability and safety of all our transit operators.

In California we understand the need for safety for riders and workers and transit facilities. The Bay Area Rapid Transit agency is a large transit system, although not nearly as large as Metro, serving 450,000 riders on average every day. When a tragic accident occurred in October 2013 when two BART workers were killed, we started a thorough investigation with NTSB and with State officials, and we are still examining particularly the safety culture that led to that incident.

I look forward to fully examining why there was a delay in evacuating passengers, why the ventilation system was not working properly, and why first responders were unable to open the train doors or communicate on their radios. I also want to fully understand the specific causes of this incident and do what is necessary to ensure that, as Mr. Connolly says, this never happens again. I look forward to hearing from the witnesses and finding answers to these questions. I appreciate the committee’s interest in this important issue and thank the chairs once again for hosting this important hearing.

And then last, I have particular concerns over safety culture. We know that safety culture is not some unimaginable, hard-to-define issue, whether it is in hospitals or refineries, chemical plants, or manufacturing facilities, or any government agency. It is real, it is palatable. And I will say I’m very concerned about the comments represented by the rank-and-file workers. I look forward to asking questions of the governing board and the representative of the rank-and-file workers in my questions.

Thank you, Mr. Chairman. I yield back.

Mr. MICA. Thank you.

Mr. MICA. And other members seek recognition? Ms. Norton. The gentlelady from the District is recognized.

Ms. NORTON. Chairman Mica, just a word, first of thanks to my good friends, Mr. Mica and Mr. Meadows. You will note that this is a joint hearing, and I do believe that that indicates the importance of this hearing to the Federal Government. You can call this America’s subway all you want to, and for all intents and purposes a Federal subway because it’s essential to the functioning of the operations of the Federal Government. And, yes, it is essential to our constituents here in the National Capital region.

There have already been, and I want to thank the multiple parties for the hearings, briefings and hearings in the Congress and in the District and early reports from NTSB. And we see WMATA already beginning, before the report is done, to make corrections, and we are enormously grateful for that. And I do believe it restores or helps restore confidence in the system.

I simply want to say that after the great tragedy of 2009 when we lost nine residents, all nine of them lived in the District of Columbia, it doesn't matter where they lived, this time we lost one resident who lived in Virginia, it is a personal tragedy, it is a regional tragedy.

The reason that this tragedy bothers me so much is if we look back to 2009 we can trace that tragedy to a rather even hard-to-understand technical problem with the equipment. Think about the cause of this tragedy. Think about the fact that we're dealing with what everybody would regard as the ABCs of running a common carrier, being able to communicate from the surface to underground, making sure that the smoke goes the right rather than the wrong way. My friends, I can think of nothing worse than being smoked to death underground, in a subway. That's what happened here.

The communication problems were perfectly foreseeable. Getting the fans working in the right way was what everybody assumed was happening all the time. So my concern for this tragedy is even greater than the 2009 tragedy, greater because I think we had foreseeable problems and because something went clearly wrong here. That's why I'm so grateful to my good friends for calling a hearing which I think is perfectly appropriate because this is a system that the Federal Government itself depends upon.

Thank you again, Mr. Chairman.

Mr. MICA. Thank you.

Mr. MICA. Do other members seek recognition?

OK. Since there are no other members seeking, did you, Mr.—

Mr. BEYER. I will wait for questions.

Mr. MICA. OK. Wait for questions. Very good.

Then what we will do now is we will turn to our witnesses. And members will have 5 legislative days who would like to submit a written Statement. Without objection, so ordered.

Mr. MICA. Let me first introduce and welcome our witnesses. First, welcome Jonathan Rogers, a Metro passenger who was present on January 12 at the Metro incident. The Honorable Christopher Hart, acting chairman of the National Transportation Safety Board. Mr. Mort Downey, he is the chairman of the Board of Directors of the Washington Metropolitan Area Transit Authority. And he's also, I understand, accompanied by a panel of experts behind him. And we have Mr. Edward Mills, assistant fire chief, who is in charge of operations of the D.C. Fire Emergency Medical Rescue Services Department. And Ms. Jackie Jeter, and she is president and business agent for Amalgamated Transit Union, Local 689.

Let me see, the ones that are accompanying Mr. Downey, Mr. Downey, are they going to also to be called on to—

Mr. DOWNEY. Only if something comes up.

Mr. MICA. Can you identify them?

Mr. DOWNEY. Yes. I'm accompanied by Chief Ron Pavlik, the chief of the Metropolitan Transit Police Department, and also Jack Requa, who is the interim general manager of Metro. They are sitting behind me.

Mr. MICA. OK. So what we will do, this is an investigations and oversight subcommittee of Congress joint hearing today, and we do swear in all of our witnesses. I'd ask the gentlemen that were just identified to also stand, our witnesses to stand please, be sworn in.

Could you raise your right hand? Do you solemnly swear or affirm that the testimony you're about to give before these two subcommittees of Congress is the whole truth and nothing but the truth?

Let the record reflect that all of the witnesses answered in the affirmative.

So with that we have got some new witnesses, particularly Mr. Rogers, to testify in Congress and this panel. We try to ask you to limit your remarks to about 5 minutes. If you have additional information or some background you'd like to be made part of the record, just a simple request to the chair and we'll put it into the record.

With that, again, we welcome Mr. Jonathan Rogers, who was a passenger on that fateful day.

Welcome, sir, and you are recognized. You'll have to turn you mic on and pull it up as close as you can, Mr. Rogers.

WITNESS STATEMENTS

STATEMENT OF JONATHAN ROGERS

Mr. ROGERS. Is that good? Thank you.

Honorable members of the committee, thank you for the opportunity to testify today. My name is Jonathan Rogers and I have been a resident of the District of Columbia for 7 years.

On the afternoon of January 12, 2015, I departed a conference at the Walter E. Washington Convention Center to return to my office in the Navy Yard neighborhood of Washington, DC. At the Mt. Vernon Square-Convention Center Station I mistakenly boarded a Yellow Line train headed for Huntington. I boarded the second car from the front of the train and according to WMATA's usage history report from my SmarTrip card, I entered the station at exactly 3 p.m. I can accurately confirm the timeline of events that followed with electronic time stamps from smartphone pictures I took that afternoon.

By coincidence, I took my first photo at 3:11 p.m., shortly before the train reached L'Enfant Plaza, and that photo depicts a normal, safe experience on the Metro train. After the train departed the L'Enfant Plaza Station, we entered a tunnel, and after approximately 10 seconds the train came to an abrupt halt. The train conductor announced over the intercom, there's a problem, everyone stay calm. Within seconds, gray-colored smoke was visible as it seeped through the tops of the passenger doors. A passenger on our car used the emergency intercom to alert someone that there was smoke on the train.

We heard no response, and shortly thereafter the train conductor entered our car and made his way to the back of the train. The conductor was using his radio to communicate with central. I only heard him describing the situation on the train. I didn't hear any responses to the conductor's messages. Eventually he passed through our car again on his way back to the front of the train.

In the first of several announcements, the conductor informed us over the intercom that we should remain clam, the train was going to make its way backward to L'Enfant Plaza to escape the smoke. We were told not to evacuate the train and not to open the doors because the train would not be able to move if we did so. Further, there was zero visibility in the tunnel, and the conductor repeated the same message nearly every 2 minutes until the train was evacuated.

At one point, the conductor assured passengers that there was no fire in the tunnel, only smoke. Approximately 5 minutes after the smoke had entered the train, the train lurched backward but failed to move, and by this point only the emergency lights above the doors were lit and the train was dark and filling with thick smoke.

The next photo I took was at 3:20 p.m., which was several minutes after the smoke had become thick. So as a very conservative estimate one could mark the beginning of the incident at that time, 3:20 p.m.

The video I took was recorded at 3:25 p.m. which captures passengers struggling to breathe and also a portion of the train conductor's announcements. Verbatim the announcement was, once again, customers, please stay calm, please stay calm. We've got one train about to get off the platform at L'Enfant Plaza right now as we speak. As soon as this train leaves, I will be getting you all back to the platform. Please stay calm. Please do not open the doors. If you open the doors, the train will not move.

In the photo I believed to be the last I took before giving CPR to Mrs. Glover—sorry—other passengers were laying on the ground at 3:39 p.m. The next photo I took was at 4:01 p.m., where it appears passengers are standing as we lined up to evacuate the train. At no point were we ever told that we would be evacuating and walking back to the platform. A line moving toward the back of the train seemed to form on its own.

The next photo I took was at 4:20 p.m. as the line had slowly advanced toward the back of the train. This photo depicts firefighters evacuating a passenger who is having a seizure after other first responders had performed CPR on him. This was the first time I saw any first responders. I can't speak for when they arrived at the train, but this was the first time I saw them.

Firefighters then guided us out of the side passenger doors onto a narrow walkway on the side of the tunnel. We followed a single file line back toward the station with help from firefighters on the tracks lighting the way with their flashlights. The last photo I took was during that walk at 4:22 p.m., over an hour after the incident began.

Once we reached the station platform, we proceeded up the escalators to the street level. Naturally the scene outside was chaotic, and some passengers sought the help of first responders, while others just went on their way. I lingered in the area for a few minutes.

No one directed me toward an ambulance or any other medical attention.

Thank you for the opportunity to testify today, and I'd be happy to answer any questions you might have.

[Prepared Statement of Mr. Rogers follows:]

Jonathan M. Rogers
U.S. House of Representatives Committee on Oversight and Government Reform
Testimony for the Hearing on the January 12, 2015 Incident at L'Enfant Plaza Metro Station

January 13, 2015

Honorable members of the committee, thank you for the opportunity to testify today.

My name is Jonathan Rogers and I have been a resident of the District of Columbia for seven years.

On the afternoon of January 12, 2015 I departed a conference at the Walter E. Washington Convention Center to return to my office in the Navy Yard neighborhood of Washington, DC. At the Mt. Vernon Square / 7th Street / Convention Center station, I mistakenly boarded a yellow line train headed for Huntington. I boarded the second car from the front of the train. According to WMATA's usage history report for my SmarTrip card, I entered the station at 3:00 PM. I can accurately confirm the timeline of events that followed with electronic timestamps from smartphone pictures I took that afternoon.

By coincidence, I took my first photo at 3:11 PM, shortly before the train reached L'Enfant Plaza. That photo depicts a normal, safe experience on the Metro train. After the train departed the L'Enfant Plaza station we entered a tunnel, and after approximately 10 seconds the train came to an abrupt halt. The train conductor announced over the intercom, "There's a problem. Everyone stay calm." Within seconds, gray-colored smoke was visible as it seeped through the tops of the passenger doors. A passenger on our car used the emergency intercom to alert someone that there was smoke on the train. We heard no response. Shortly thereafter, the train conductor entered our car, and made his way to the back of the train. The conductor was using his radio to communicate with "central." I only heard him describing the situation on the train. I did not hear any responses to the conductor's messages. Eventually he passed through our car again, on his way back to the front of the train.

In the first of several announcements, the conductor informed us over the intercom that we should remain calm. The train was going to make its way backwards to L'Enfant Plaza, to escape the smoke. We were told not to evacuate the train, and not to open the doors because the train would not be able to move if we did so. Further, there was zero visibility in the tunnel. The conductor repeated this same message, nearly every two minutes until the train was evacuated. At one point, the conductor assured passengers that there was no fire in the tunnel, only smoke. Approximately five minutes after the smoke had entered the train, the train lurched backward, but failed to move. By this point, only the emergency lights above the doors were lit. My train car was dark, and filling with thick smoke.

The next photo I took was at 3:20 PM which was several minutes after the smoke had become thick. As a very conservative estimate, one could mark the beginning of the incident at that time; 3:20 PM. The video I took was recorded at 3:25 PM, which captures passengers struggling to breathe, and also a portion of the train conductor's announcements. Verbatim, the announcement was: "Once again customers, please stay calm, please stay calm. We got one train about to get off the platform at L'Enfant Plaza right now as we speak. As soon as this train leaves, I'll be getting you all back to the platform. Please stay calm. Please do not open the doors. If you open the doors, the train will not move."

In a photo I believe to be the last I took before giving CPR to Ms. Glover, other passengers are laying on the ground, at 3:39 PM. The next photo I took was at 4:01 PM, where it appears passengers are standing

as we lined up to evacuate the train. At no point were we ever told we would be evacuating and walking back to the platform. A line moving toward the back of the train seemed to form on its own. The next photo I took was at 4:20 PM, as the line had slowly advanced toward the back of the train. This photo depicts fire fighters evacuating a passenger who was having a seizure, after other first responders had performed CPR on him. This was the first time I saw any first responders. I cannot speak for when they arrived at the train, but this was the first time I saw them. Fire fighters then guided us out of the side passenger doors, onto a narrow walkway on the side of the tunnel. We followed a single file line back toward the station, with help from fire fighters on the tracks, lighting the way with flashlights. The last photo I took was during that walk, at 4:22 PM; over an hour after the incident began. Once we reached the station platform, we proceeded up the escalators to the street level. Naturally, the scene outside was chaotic. Some passengers sought the help of first responders, and others went on their way. I lingered in the area for a few minutes. No one directed me toward an ambulance or other medical attention.

Thank you for the opportunity to testify and I would be happy to answer any questions.

Mr. MICA. Well, hold the questions. I don't know, can you queue the video that we've got that Mr. Rogers took? See if we've got that?

I know they flashed some of the pictures during your testimony of the pictures that you took.

[Video shown.]

Mr. MICA. Well, Mr. Rogers, we thank you for providing us with not only the documentary of the incident and the horrific experience, but also for your heroic act in trying to save that passenger. So thank you very much on behalf of the full committee. I know everyone appreciates it.

So now I'll turn to Mr. Hart and welcome him, and he is the acting chairman of the NTSB.

Welcome, Mr. Hart, and you're recognized.

STATEMENT OF CHRISTOPHER A. HART

Mr. HART. Thank you, Mr. Chairman Mica and Chairman Meadows and Ranking Members Connolly and DeSaulnier, for inviting me to testify today on behalf of the NTSB.

The NTSB is an independent Federal agency that Congress created to investigate transportation accidents and incidents. We determine the probable cause and issue safety recommendations in an effort to prevent future mishaps. We have investigated mass transit accidents and issued recommendations about them for more than 40 years. It's a mode of transportation that is used by millions of people every day and safety is our utmost concern.

The NTSB included mass transit safety in its 2015 most wanted list to increase awareness of and support for the most critical changes that are needed to reduce mass transit accidents and incidents and save lives.

With that introduction, let me turn to this accident. On January 12 at about 3:15 p.m., Metro train 302 stopped in a Yellow Line tunnel south of the L'Enfant Plaza Metro Station because it encountered heavy smoke, as you've already heard. The train following train 302, which was train 510, had entered the L'Enfant Plaza Station and stopped about 100 feet from the south end of the platform because of the smoke in that station.

WMATA police and D.C. fire and emergency medical services helped to evacuate passengers from the L'Enfant Plaza Station. Some passengers on train 302 self-evacuated through the tunnel either to L'Enfant Plaza or toward the Potomac River Bridge, but others, most others, remained on the train. Unfortunately, one person died and scores required medical treatment as a result of this accident. And I would join with the members in extending our condolences to the family and friends of Mrs. Glover.

We know now that the smoke was the result of an electrical arcing event. NTSB has collected evidence from the site, which Chairman Mica and Mr. DeSaulnier and others of you had the opportunity to see in our laboratory. We thank you for coming to visit to see it up close and personal. We're looking at that to determine what caused the arcing event.

Also, we are aware of the various accounts of the emergency response that day. Many of these accounts have not been helpful to our safety investigation because they are often out of context and not validated or corroborated, and thus they are not helpful as a valid basis for drawing useful conclusions. We will issue the complete facts, but we are reluctant to issue any facts until we have the complete facts around that situation in order to avoid misinterpreting and out-of-context analysis.

To date, the NTSB has gathered a great deal of information and continues to review data to validate it and provide an unbiased account of the facts of that day. Our investigators will look at many factors, including conditions leading to the arcing itself, emergency response efforts, emergency communications and interoperability, WMATA's efforts to improve its overall safety and safety culture since its Fort Totten accident in 2009, the State of WMATA's infrastructure and State of good repair, the Federal Transit Administration's rulemaking on public transportation safety, and the Tri-State Oversight Committee's oversight responsibility.

There is still much work to be done to produce a final investigative report. As part of this process, we will hold a public investigative hearing on June 23 and 24 to gather additional investigative information and to add to the public's knowledge about the events of that day.

But as this investigation continues, we issue urgent recommendations if we identify safety issues in the course of any investigation that warrant immediate attention. More specifically, we issued three urgent recommendations to WMATA earlier this week regarding its ventilation system. These recommendations are about providing guidance and training on how to use the ventilation system, how to ensure that these procedures conform to best practices, and checking to make sure that the ventilation system is in working order.

The recommendation about improved processes in response to smoke events and about training regarding those processes results from our discovering in the investigation that the ventilation fans could have been used more effectively to remove the smoke from the tunnel. We also learned that one of the smoke alarms ahead of train 302, which was very close to the arcing event, activated several minutes before that train left the L'Enfant Plaza Station. So one of the issues we will be looking at is to what extent are those alarms apparent in the control center and how do they react when they see a smoke alarm in front of a train.

Are these safety issues limited to WMATA? We do not know. In order to obtain assessments of ventilation systems in other transit systems, perhaps in your own districts, we also issued an urgent recommendation to the Federal Transit Administration to audit such ventilation systems in transit agencies under its regulatory purview and companion recommendations to the American Public Transportation Association, or APTA, to apply these accident lessons even more broadly.

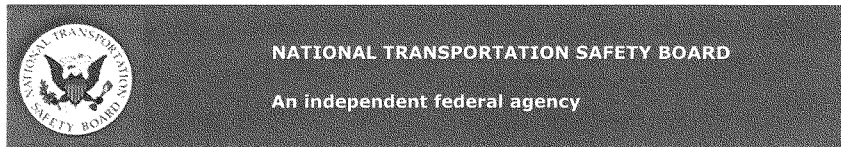
Our goals, as always, are to prevent accidents and prevent or mitigate the severity of injuries in any future event. And we will issue more recommendations if needed as the investigation pro-

ceeds. We must work to ensure that the circumstances of this event do not occur again, here or in any other transit system.

Thank you for inviting me to testify today, and I look forward to responding to your questions.

Mr. MICA. Thank you, Mr. Hart.

[Prepared Statement of Mr. Hart follows:]



**The Honorable Christopher A. Hart
Acting Chairman
On Behalf of the
National Transportation Safety Board**

Before the

**Subcommittee on Transportation and Public Assets and
Subcommittee on Government Operations
Committee on Oversight and Government Reform
United States House of Representatives**

Hearing on

D.C. Metro: Is There a Safety Gap?

**Washington, DC
February 13, 2015**

Chairman Mica, Chairman Meadows, Ranking Member Connolly, Ranking Member Duckworth, and Members of the Subcommittees, thank you for inviting the National Transportation Safety Board (NTSB) to testify before you today.

The NTSB is an independent Federal agency charged by Congress with investigating every civil aviation accident and significant incidents in the United States and significant accidents and incidents in other modes of transportation – railroad, highway, marine and pipeline. The NTSB determines the probable cause of accidents and other transportation events and issues safety recommendations aimed at preventing future accidents. In addition, the NTSB carries out special studies concerning transportation safety and coordinates the resources of the Federal Government and other organizations to provide assistance to victims and their family members impacted by major transportation disasters.

Last month, the NTSB released its Most Wanted List of Transportation Safety Improvements for 2015. Each year, we develop our Most Wanted List based on safety issues we identify as a result of our accident investigations. One of the Most Wanted areas included this year is to “Make Mass Transit Safer.” As we pointed out:

Every day, millions of people take some form of mass transit to get to or from shopping, work, classes, or other destinations. According to the American Public Transportation Association (APTA) the role of mass transit is growing – faster than population growth and faster than highway travel. Mass-transit systems must constantly be monitored and improved to maintain and enhance safety, to catch small problems before they become big ones, and to provide extra layers of protection against disasters. There are just too many opportunities for the worst to happen.

Mass-transit agencies should work to identify, define, prioritize, and mitigate the safety risks that threaten their operations and, therefore, threaten public safety. It is important to ensure efficient and effective communications and coordination among all stakeholders (for example, top and middle management, line supervisors, workers, unions, and support contractors) who are responsible for the design, maintenance, operation, and safety of the system.

Moreover, it is important to ensure that system safety trends are identified accurately and that improvements are implemented rapidly with appropriate consideration given to the affected system elements (training, maintenance/inspection schedules).¹

¹ <http://www.nts.gov/safety/mwl>

L'Enfant Plaza Metrorail Accident, January 12, 2015**Background**

On January 12, 2015, at 3:15 p.m., Eastern Standard Time, southbound Washington Metropolitan Area Transit Authority (WMATA) Metrorail train 302 stopped after encountering heavy smoke due to an electrical arcing event in the yellow line subway tunnel between the L'Enfant Plaza station and the Potomac River bridge. The arcing event occurred about 1,100 feet in front of train 302. After stopping, the rear car of the train was about 386 feet from the south end of the L'Enfant Plaza station platform. The train operator contacted the WMATA Carmen Turner Operation Control Center (OCC) in Landover, Maryland, to announce the train was stopped due to heavy smoke.

A following train (train 510), which stopped at the L'Enfant Plaza station at 3:25 p.m., also was affected by the heavy smoke. This train stopped about 100 feet short of the south end of the platform, but its cars were entirely within the station. Train 510's passengers were evacuated. Both Metrorail trains had six passenger cars, and the length of each train was about 450 feet.

WMATA Police officers provided assistance in guiding passengers from the underground platform to the surface, and some of the passengers aboard train 302 self-evacuated. Emergency responders were dispatched to the scene and assisted evacuating passengers from both trains, as well as the station. As a result of the smoke, 86 passengers were transported to local medical facilities for treatment. One passenger fatality occurred. Initial damages were estimated by WMATA to be \$120,000.

NTSB investigators have inspected the area of the accident. We have collected evidence from that area to evaluate in our laboratory, including electrical cables to the third rail, protective covering of the third rail, and water samples from water intrusion and filtration into the tunnel liner. We are also collecting evidence to verify the timeline of events from that day, which will be a critical component of the review of the response effort.

Times we know concerning the accident thus far in our investigation are as follows:

- 2:54 p.m. – Train 301 departs L'Enfant Plaza station
- 3:06 p.m. – Electrical breaker at one end of a section of third rail trips or opens
- 3:14 p.m. – Train 302 departs L'Enfant Plaza station
- 3:16 p.m. – Train 302 stops in the tunnel
- 3:16 p.m. – WMATA OCC begins activating ventilation fans to exhaust smoke from the L'Enfant Plaza platform area (under platform fans at station)
- 3:23 p.m. – Train 510 arrives at L'Enfant Plaza station
- 3:24 p.m. – WMATA OCC activates fans near arcing location in exhaust mode
- 3:50 p.m. – WMATA OCC remotely sends a command to open the electrical breaker at the other end of the third rail that had remained closed (disconnecting electrical power to the third rail).

A copy of the NTSB's preliminary factual report concerning the accident, issued on January 16, 2015, is included as an attachment to this Statement.

Parties to the Investigation

As is the case with every event the NTSB investigates, the agency grants party status to those entities that can provide technical expertise. Parties and party participants may not withhold any information pertaining to either an accident or an incident from the NTSB. Additional information regarding the NTSB requirements and protocols for entities serving as parties to NTSB investigations is provided below. For the January 12, 2015, incident, the NTSB has designated the following organizations as parties to this investigation:

- Federal Transit Administration, U.S. Department of Transportation
- Tri-State Oversight Committee (State safety oversight agency for WMATA)
- WMATA
- Metropolitan Police Department of the District of Columbia
- Fire and Emergency Medical Services Department of the District of Columbia
- Amalgamated Transit Union Local 689
- Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice
- DC Firefighters Association Local No. 36, International Association of Firefighters

NTSB Public Investigative Hearing, June 23-24, 2015

The NTSB announced last week that it will hold a two-day investigative hearing on June 23-24, 2015, to gather further information for the investigation. The hearing will be open to the public. The purpose of the investigative hearing is two-fold; first, to gather testimony from witnesses on issues identified by the NTSB during the course of the investigation, and, second, to allow the public to observe the progress of the investigation and learn more about the events of that day. The information and testimony obtained during the investigative hearing will assist the NTSB in determining the probable cause of this event and recommending actions to prevent similar events from occurring.

Issues under review by the NTSB to be addressed at the public investigative hearing include:

- Conditions leading to the electrical arcing
- Emergency response efforts
- Emergency communications—interoperability
- WMATA's efforts to improve its overall safety and safety culture (since its Fort Totten Metrorail accident in June 2009)
- The state of WMATA's infrastructure and state of good repair
- The Federal Transit Administration's rulemaking on public transportation safety
- The Tri-State Oversight Committee's oversight responsibilities

Urgent Safety Recommendations

Although the NTSB investigation is still in the early stages, we do not have to wait until the end of the investigation to issue safety recommendations. In fact, we have identified safety issues that require immediate attention and on February 11, 2015, we issued three urgent safety recommendations to WMATA, one urgent safety recommendation to the FTA, and two urgent safety recommendations to the American Public Transportation Association.

The safety issues the NTSB identified in its urgent recommendations to WMATA relate to the following:

- WMATA does not have a written procedure addressing ventilation for smoke and fire events in a tunnel,
- The ventilation strategy implemented during this accident was not consistent with best practices, and
- The state of good repair of the WMATA tunnel ventilation system.

The three urgent recommendations to WMATA request that it assess the subway tunnel ventilation system to verify the state of good repair and compliance with industry best practices and standards, such as those outlined in National Fire Protection Association's NFPA[®] 130, *Standard for Fixed Guideway Transit and Passenger Rail Systems*; develop and implement detailed written tunnel ventilation procedures for operations control center staff that take into account the probable source location of smoke and fire, the location of the train, the best evacuation route, and unique infrastructure features; base these procedures on the most effective strategy for fan direction and activation to limit passengers' exposure to smoke; and incorporate these procedures once developed into its ongoing training and exercise programs and ensure that operations control center staff and emergency responders have ample opportunities to learn and practice activating ventilation fans.

The urgent safety recommendation to the FTA requests that it audit all rail transit agencies that have subway tunnel environments to assess the state of good repair of tunnel ventilation systems; written emergency procedures for fire and smoke events; training programs to ensure compliance with these emergency procedures; and verify that rail transit agencies are applying industry best practices and standards, such as the NFPA 130[®], *Standard for Fixed Guideway Transit and Passenger Rail Systems*, in maintenance procedures and emergency procedures.

The two urgent safety recommendations to APTA request that it urge its members to: assess their procedures for verifying consistency with industry best practices, such as the NFPA 130[®], *Standard for Fixed Guideway Transit and Passenger Rail Systems*; and conduct regular training exercises that use written ventilation procedures to provide opportunities for employees and emergency responders to practice those procedures.

The NTSB requests that WMATA, FTA, and APTA respond to the urgent safety recommendations and to detail the actions each has taken or intends to take to implement the urgent safety recommendations within 30 days.

NTSB Investigations of WMATA Metrorail Accidents and Incidents, 1982 to the Present

Prior to this smoke and arcing accident, the NTSB has investigated ten accidents and three incidents involving WMATA's Metrorail in the past three decades, with six of these accidents occurring since 2006. Overall, since 1982 the NTSB has issued a total of 86 safety recommendations to WMATA concerning these accidents and incidents. Of this total, three recommendations were classified as urgent recommendations. To its credit, WMATA has favorably responded to many of the NTSB's safety recommendations and we have been able to close them as "Acceptable Action" or "Acceptable Alternate Action." A chart identifying each of the Metrorail accidents and incidents the NTSB has investigated is provided as an attachment to this statement.

Prior to last month's accident, the five most significant Metrorail accidents the NTSB has investigated are:

- Collision of two Metrorail trains near the Fort Totten Station, Washington, DC, June 22, 2009, resulting in nine fatalities, 52 injured passengers needing hospital treatment, and \$12 million in estimated damage to train equipment.
- Derailment of a Metrorail train at Smithsonian Interlocking, Washington, DC, January 13, 1982, resulting in three fatalities, 25 individuals needing hospital treatment, and an estimated \$1.3 million in property damage.
- Derailment of a Metrorail train near the Mt. Vernon Square Station, Washington, DC, January 7, 2007, resulting in 23 passengers being transported to hospitals, and an estimated cost of \$3.8 million for WMATA to replace the damaged railcars.
- Collision of two Metrorail trains at the Woodley Park Zoo-Adams Morgan Station, Washington, DC, November 3, 2004, resulting in about 20 persons being transported to hospitals for treatment, and \$3.5 million in estimated property damage.
- Rear end collision of two Metrorail trains at the West Falls Church, VA, rail yard, November 29, 2009, resulting in injuries to three Metrorail employees requiring hospital treatment, and \$9 million in estimated damage to train equipment.

Fort Totten Accident, 2009

About 4:58 p.m., eastern daylight time on June 22, 2009, inbound Metrorail train 112 struck the rear of stopped inbound Metrorail train 214. The accident occurred on aboveground track on the Metrorail Red Line near the Fort Totten station in Washington, D.C. The lead car of train 112 struck the rear car of train 214, causing the rear car of train 214 to telescope into the lead car of train 112, resulting in a loss of occupant survival space in the lead car of about 63 feet (about 84 percent of its total length).

On July 27, 2010, the NTSB determined that the probable cause of the collision was (1) a failure of the track circuit modules, causing the automatic train control system to lose detection of the struck train and thus transmit inappropriate speed commands to the striking train up to the point of impact, and (2) WMATA's failure to ensure that the enhanced track circuit verification

test was institutionalized and used systemwide, which would have identified the faulty track circuit before the accident.

Contributing to the accident were (1) WMATA's lack of a safety culture, (2) WMATA's failure to effectively maintain and monitor the performance of its automatic train control system, (3) GRS/Alstom Signaling Inc.'s failure to provide a maintenance plan to detect spurious signals that could cause its track circuit modules to malfunction, (4) ineffective safety oversight by the WMATA Board of Directors, (5) the Tri-State Oversight Committee's ineffective oversight and lack of safety oversight authority, and (6) the FTA's lack of statutory authority to provide federal safety oversight. Contributing to the severity of passenger injuries and the number of fatalities was WMATA's failure to replace or retrofit the 1000-series railcars after these cars were shown in a previous accident to exhibit poor crashworthiness.

As a result of this investigation, we issued 34 recommendations to WMATA, FTA, the Federal Railroad Administration, U.S. Department of Transportation, Alstom Signaling, and several transit agencies that utilize the same circuit system as WMATA. All of these recommendations are being implemented by the recipients. Particularly noteworthy is the legislative action taken by the Administration and Congress in response to our safety recommendation R-10-3 issued in response to another transit authority) to the U.S. Department of Transportation to:

Continue to seek the authority to provide safety oversight of rail fixed guideway transportation systems, including the ability to promulgate and enforce safety regulations and minimum requirements governing operations, track and equipment, and signal and train control systems.

The NTSB is pleased that the enactment of the Federal Public Transportation Act of 2012 as part of the Moving Ahead for Progress in the 21st Century Act (MAP-21) authorizes the FTA to oversee the safety of public transportation throughout the United States as it pertains to heavy rail, light rail, buses, ferries, and streetcars. We have submitted comments to the FTA as it develops its rules for this oversight and hope that we will see quick action to enact these provisions.

Closing

Thank you for inviting me to testify today. I am happy to answer your questions.



Preliminary Report Railroad DCA15FR004

The information in this report is preliminary and will be supplemented or corrected during the course of the investigation.

On January 12, 2015, about 3:15 p.m. eastern standard time, Washington Metropolitan Area Transit Authority (WMATA) Metrorail train 302 stopped after encountering an accumulation of heavy smoke while traveling southbound in a tunnel between the L'Enfant Plaza Station and the Potomac River Bridge. After stopping, the rear car of the train was about 386 feet from the south end of the L'Enfant Plaza Station platform.

A following train, stopped at the L'Enfant Plaza Station at about 3:25 p.m., and was also affected by the heavy smoke. This train stopped about 100 feet short of the south end of the platform. Passengers of both trains, as well as passengers on the station platforms, were exposed to the heavy smoke.

Both Metrorail trains involved in this incident consisted of six passenger cars and were about 450 feet in length. As a result of the smoke, 86 passengers were transported to local medical facilities for treatment. There was one passenger fatality and two passengers were hospitalized in critical condition.



Figure 1. Damage from the arcing incident in the tunnel near L'Enfant Plaza Station.

NTSB investigators have inspected the area of the incident, where they observed severe electrical arcing damage to the third rail and electrical cables about 1,100 feet ahead of train 302. Recorded data shows that at about 3:06 p.m., an electrical breaker at one end of a section of third rail tripped (opened). At about 3:16 p.m. the WMATA Operations Control Center (OCC) began activating ventilation fans in an effort to exhaust smoke from the area. The electrical breaker at the other end of the third rail section remained closed; supplying power until the WMATA OCC remotely sent a command to open the breaker at about 3:50 p.m.



Figure 2. Damage from the arcing incident in the tunnel near L'Enfant Plaza Station.

NTSB investigators are reviewing maintenance records of track, signal and power inspections, and railcar vehicles; documentation on previous events with smoke generation; maintenance and repair records of the tunnel exhaust fan/ventilation operations; WMATA emergency response and evacuation plans; and employee training records. Investigators have also collected material samples from the incident site and are examining the samples at the NTSB Materials Lab. In addition, NTSB investigators are currently conducting interviews with personnel involved, and have begun the collection and review of all available surveillance video.

The NTSB has formed the following technical investigative working groups:

- Operations
- Survival Factors
- Fire Science
- Signal and Power
- Track
- Civil Engineering/Infrastructure
- Mechanical/Equipment
- Recorders

The NTSB Transportation Disaster Assistance Division is providing support to the WMATA victim assistance team.

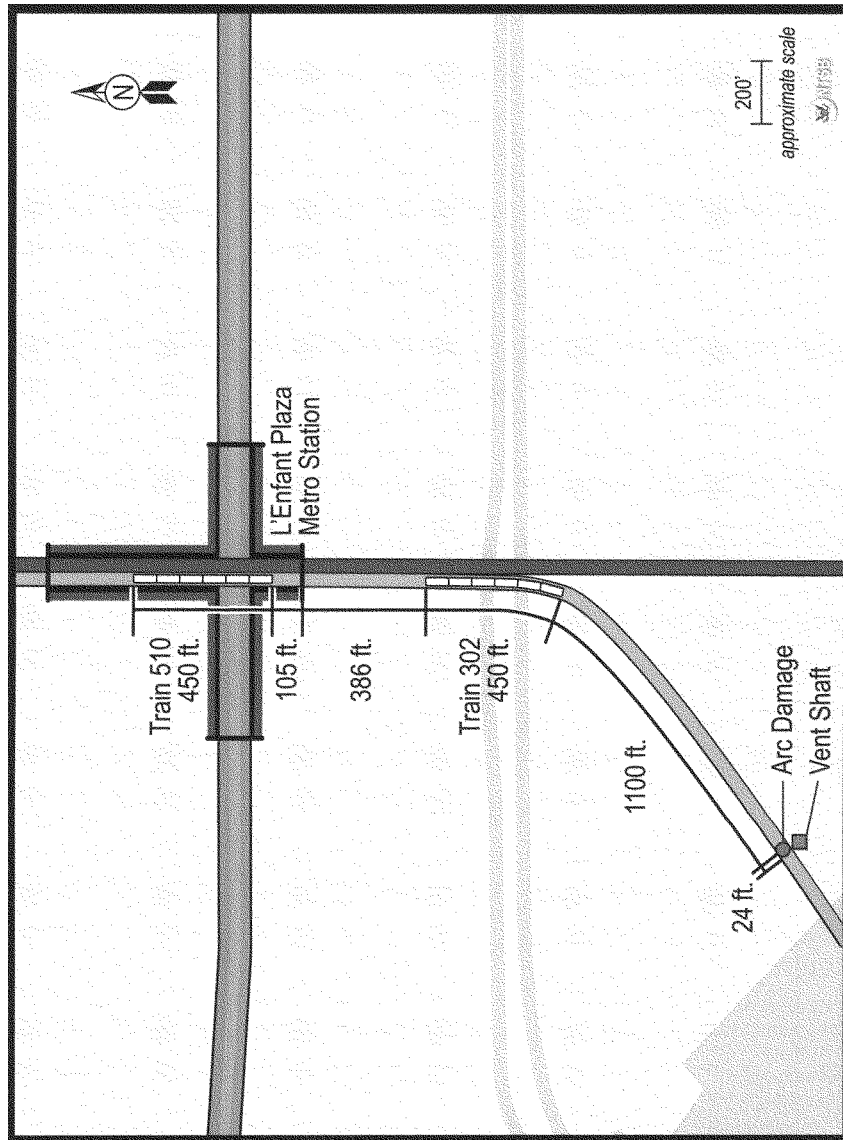
Parties to the investigation include: the Federal Transit Administration, Tri-State Oversight Committee, Washington Metropolitan Area Transit Authority, Amalgamated Transit Union Local 689, and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

NTSB INVESTIGATIONS INVOLVING WMATA METRORAIL 1982 – 2015

ACCIDENT DATE	DESCRIPTION	FATALITIES	INJURIES	EST. PROPERTY DAMAGE	NUMBER OF SAFETY RECOMMENDATIONS TO WMATA
1/13/1982	Derailment of Train 410 at Smithsonian Interlocking, Washington, DC	3	25	\$1.3 M	33
6/19/1987	Derailment of CSX Corporation freight railcars fouling Metrorail Red Line track near Takoma Park, MD station (incident)	0	0	Not reported	2
9/5/1987	Derailment of CSX Corporation freight railcars fouling Metrorail Red Line track near Fort Totten Station, Washington, DC (incident)	0	0	Not reported	
9/17/1987	Fouling of Metrorail Red Line track near Silver Spring, MD Station due to debris from a CSX Corporation train striking heavy construction equipment on CSX track (incident)	0	0	Not reported	
1/9/1996	Collision of Train T-111 with Standing Train at Shady Grove Station, Gaithersburg, MD	1	0	Between \$2.1M and \$2.6M	20
11/3/2004	Collision Between Train 703 and Train 105 at the Woodley Park-Zoo/Adams Morgan Station, Washington, DC	0	20	\$3.5M	3 (One Urgent)
5/14/2006	Red Line Train Striking WMATA Wayside Worker near Dupont Circle Station, Washington, DC	1	0	Not reported	4
11/30/2006	Yellow Line Train Striking WMATA Wayside Workers near Eisenhower Avenue Station, Alexandria, VA	2	0	Not reported	4 (identical to the 4 Recs. issued after the 5/14/2006 accident)

NTSB INVESTIGATIONS INVOLVING WMATA METRORAIL 1982 – 2015

ACCIDENT DATE	DESCRIPTION	FATALITIES	INJURIES	EST. PROPERTY DAMAGE	NUMBER OF SAFETY RECOMMENDATIONS TO WMATA
1/7/2007	Deraillment of Train 504 near the Mount Vernon Square Station, Washington, DC	0	0	\$3.8M	6
6/22/2009	Collision of Train 112 and Train 214 near the Fort Totten Station, Washington, DC	9	52	\$12M	16 2 Urgent 1 to WMATA Board
11/29/2009	Collision of Train 902 with standing train at West Falls Church Station, Falls Church, VA	0	2	\$9M	0
1/26/2010	WMATA Hi-Rail Maintenance Vehicle Striking WMATA Wayside Workers near Rockville Station, Rockville, MD	2	0	Not reported	0
2/12/2010	Deraillment of Train 156 near the Farragut North Station, Washington, DC	0	3	\$174,000	0
1/12/2015	Smoke and Electrical Arcing Accident between the L'Enfant Plaza Station and Potomac River Bridge, Washington, DC	1	86	Under investigation	Under investigation



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SHARE

Biography



Honorable Christopher A. Hart

Member Christopher A. Hart was sworn in as a Member of the National Transportation Safety Board on August 12, 2009, and designated by the President for a 2-year term as Vice Chairman of the Board on August 18, 2009. In August 2013, President Obama nominated him for a second term as Board Member and after Senate confirmation of his nomination, the President, in October 2013, designated him for a third term as Vice Chairman. He has served as Acting NTSB Chairman since April 26, 2014 and in July 2014 was nominated by the President to serve as Chairman of the NTSB.

Hart joined the Board after a long career in transportation safety, including a previous term as a Member of the NTSB. Immediately before returning to the Board in 2009, Member Hart was Deputy Director for Air Traffic Safety Oversight at the Federal Aviation Administration (FAA). He was previously the FAA Assistant Administrator for System Safety.

He served as a Member of the NTSB from 1990 to 1993. After leaving the Board, he served as Deputy Administrator of the National Highway Traffic Safety Administration, before moving to the FAA in 1995.

From 1973 until joining the Board in 1990, Member Hart held a series of legal positions, mostly in the private sector. He holds a law degree from Harvard University and Master's and Bachelor's degrees in Aerospace Engineering from Princeton University. He is a member of the District of Columbia Bar and the Lawyer-Pilots Bar Association.

Hart is a licensed pilot with commercial, multi-engine, and instrument ratings.

Hart's family has a tradition of accomplishment in the field of transportation. His great uncle, James Herman Banning, was the first African-American to receive a pilot's license issued by the U.S. Government in 1926.

His 2 year appointment as Vice Chairman will end 10/20/15.

His 5 year term as a Member will end 12/31/17.

Speeches and Testimony

Read Vice Chairman Hart's remarks concerning transportation safety>

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Mr. MICA. We will now turn to Mr. Mort Downey. He chairs the Board of Directors of the Washington Metropolitan Area Transit Authority.

Welcome, and you're recognized.

STATEMENT OF MORTIMER L. DOWNEY III

Mr. DOWNEY. Thank you, Chairman Mica and Chairman Meadows, Acting Ranking Member DeSaulnier, and my Congressman, Gerry Connolly to be here. I am Mort Downey, recently elected chair of the Board of Directors of Metro, and a regular Metro rider over the last 20 years, and a New York City subway rider for 30 years before that. So I am familiar with these systems.

First, I have to say on behalf of the board we were devastated by the outcome of this event. We have expressed and continue to express our condolences to the family of Carol Glover, who lost her life. And obviously we thank all of the first responders, our employees and the members of the public who came to the aid of our customers during that incident.

As Chairman Hart identified, an investigation by the NTSB is now underway. Metro is fully engaged and cooperating with what Chairman Hart outlined is a very comprehensive look at where we are in terms of safety. The fact there is an empty chair between the chairman and myself is not an indication that we are not working closely together. We are joined at the hip on this investigation. And we stand ready to act on NTSB recommendations, including any preliminary findings.

Just 2 days ago, the chairman issued the first recommendations adopted by the NTSB, not only to us, but to the entire transit industry concerning the tunnel ventilation system. Even before those recommendations were in our hands, Metro had already conducted a systemwide inspection of all the tunnel fan shafts, and at that point found them to be in good working order. We also provided retraining to the 39 controllers at the Rail Operations Control Center in terms of proper use the fans. We are now in the process of developing additional protocol and training.

But as the NTSB continues its review we are not waiting. Yesterday, having looked at the findings that were in our hands, I directed Metro's chief safety officer, Jim Dougherty, to identify an independent expert panel organization who could review for us the Metrorail Operations Control Center, its equipment, its procedures, the training, the information that they have in place. To run a world class transit system we have to have a fully operational, fully dependable operations control center. Decisions are made there that obviously affect the lives of our customers, and we'd like to get a good look by fresh eyes as to how that control center works.

We've also identified and begun to implement 10 early safety actions based on our own assessments. These 10 include such steps as signage being installed on the outside of all of our railcars to identify the doors that are readily accessible and openable without a key from someone on the ground or on a platform to get passengers out.

We obviously train first responders on how to access the railcars. We want to add that on-the-site information that they would need. We also have given train operators independent authority should they encounter a smoke incident to immediately turn off the vent system in the train that's bringing air into the train. That formerly, for whatever reason, was something they needed permission to do. We want our employees to act on their own ideas of what needs to be done. And as I said, we have reviewed the protocols for our employees at the Rail Control Center but intend to do more there.

As another early action, our Office of Emergency Management, which is under the supervision of the Police Department, has created an enhanced schedule for full-scale emergency drills to be conducted with scheduling allowed for 3 years, not that we will stop after that point, but to give the jurisdictions clear indication of when those drills will occur, where they will occur, some will be underground, some will be on aerial structures, some will be in stations. It is an additional opportunity for us and the jurisdictions and the law enforcement and response agencies to test their capabilities, to build coordination, and to practice unified command in a real-life setting.

We are also working with the region's fire chiefs through the Council of Governments to establish regular radio testing and reporting protocols. As you've heard, each jurisdiction has its own radio system, but we have to make sure that they are workable inside the tunnel environment. It is not that we'll all be on the same radios, the issue is that everybody's radios will work and that we can communicate to Metro employees, fire and rescue can communicate to their people, and at the top chain in the incident command they can communicate with each other. And there will be regular testing and reporting of the status of the system so that we're all aware if anything needs to be fixed.

We mentioned Homeland Security earlier. We are an open system. There are unique challenges in maintaining the security of the system. We are grateful for the support that has come to install equipment and to build additional facilities. We are using that. We have now cameras throughout the system to capture what's going on. We are also, as you know, rebuilding the system with a capital program to take a 39-year-old system and begin to put it back in the shape that it should be in. There are a lot of things, the new railcars are a key part of that, but there are upgrades of tracks, structures, signal systems.

We have developed safety programs, some that we've actually created on our own. A roadway worker training program for those employees who are out working on the tracks. A Close Call program where we get the cooperation of all employees to bring to our attention, either directly to us or anonymously through a Federal agency, anything that has happened that we should know about that we could build safety improvements on that. We also implemented a Fatigue Management System, the first on any transit property, to be sure that our employees are not being called to work longer hours than are helpful.

When I joined the board, there were 29 open recommendations from the NTSB stemming from Fort Totten and earlier accidents.

Twenty-five of those are closed, four are still open but are in an acceptable condition, at least as far as the Safety Board is concerned. We are working to finish all of them. We have closed all but one recommendation from Federal Transit based on a review they produced in 2012. We will be welcoming them back in the next few weeks to start another review of the safety culture and the safety achievements in the system. It is still our No. 1 focus.

I believe we've made real progress, but we cannot claim that we are where we need to be. In the face of this event, we need to do more and we will do more, not only for ourselves, but with our partners, but primarily for the customers and riders and public in this region who need to depend on us. So I thank you for the opportunity to be here, and I also will be happy to answer your questions.

Mr. MICA. Thank you, Mr. Downey.

[Prepared Statement of Mr. Downey follows:]



Written Testimony of
Mortimer Downey, Chairman, Board of Directors
Washington Metropolitan Area Transit Authority

Before a joint hearing of the Subcommittee on Transportation and Public Assets and the
Subcommittee on Government Operations under the Committee on Oversight and
Government Reform
U.S. House of Representatives
Friday, February 13, 2015

Chairman Mica, Chairman Meadows, Ranking Member Duckworth, Ranking
Member Connolly and Members of the Subcommittees, thank you for the opportunity to
testify today. I am Mort Downey, Chairman of the Board of Directors for the Washington
Metropolitan Area Transit Authority, known as Metro.

First, I would like to express my condolences to the family of Carol Glover, who
lost her life following an incident in the Metro system on January 12th, and I'd like to
thank the first responders who came to the aid of everyone involved in that incident.

An investigation by the National Transportation Safety Board (NTSB) is now
underway, and Metro is fully engaged and cooperating with the effort. We recognize
that a complete and impartial review depends upon confidentiality, and our participation
at today's hearing is consistent with the ground rules laid out by the NTSB.

Metro has provided NTSB investigators with access to conduct several track
walks and examine equipment, and we have submitted more than 650 documents
containing 7,300 pages of information, including: 372 hours of surveillance video, 300
photographs, fire alarm records, equipment maintenance records, training and
operations records, and passenger and witness statements.

Having worked with the NTSB, we know that the agency's formal recommendations will give an even more complete view of what is to be done, as was the case in the 2009 Fort Totten accident. We stand ready to take action on any recommendations – including preliminary findings.

Just two days ago, the NTSB issued its first recommendations to Metro and the entire industry, concerning training and inspection of tunnel ventilation systems. In line with those recommendations, Metro has already conducted a thorough test of our subway tunnel ventilation system and provided familiarization training for all 39 controllers at our Rail Operations Control Center. We are now in the process of developing additional protocols and training associated with tunnel fan use in response to the NTSB recommendations.

Now, as the NTSB continues its review; we are not waiting. Metro has identified and begun to implement 10 early safety actions. Today, we are beginning installation of new signage on the outside of all railcars to clearly identify emergency doors and release handles for first responders who may not be familiar with Metro evacuation procedures. Metro train operators have been given independent authority to operate the air intake systems on their railcars, and the protocols for employees at our rail control center have been streamlined to prevent unnecessary distractions.

As another early action, Metro's Office of Emergency Management has created an enhanced schedule for full-scale emergency drills to be conducted over the next three years in all of the local jurisdictions. These drills will supplement our regular schedule of trainings, which already includes at least one full-scale drill a year. These drills bring multiple jurisdictions and law-enforcement agencies together to test response capabilities, build coordination and provide an opportunity to practice unified command in a real-life setting – and we believe that these additional drills can only further benefit the region.

When you consider the full range of Metro emergency training, we provided instruction to nearly 5,500 individuals last year – including jurisdictional first responders, Metro employees, and federal and military partners. Much of this training takes place at our one-of-a-kind Emergency Response Training Facility in Landover, Md. The facility includes a 260-foot, mock subway tunnel that provides a realistic environment for fire, police and emergency rescue services to train and hone their skills in a controlled environment.

Metro is also working with the fire chiefs from all of the local jurisdictions, through the Metropolitan Washington Council of Government (COG) to establish formal radio testing and reporting protocol within the Metro system. Each jurisdiction has its own radio system operating inside Metrorail tunnels, independent of the system used by Metro employees. And while the jurisdictions are responsible for their own testing, there have historically been no formalized testing schedules or reporting requirements. We are actively working to address those shortcomings.

As many of you know, Metro is often referred to as “America’s Subway” – providing transit service for residents of the District of Columbia, Maryland and Virginia, as well as visitors from across America and around the world who depend on the system when they come to the Nation’s Capital. The safety of these passengers, and Metro’s nearly 13,000 employees, is our top priority.

Like the majority of mass transit systems in the United States, Metrorail is an “open” system, which creates unique challenges and requires security strategies that are complex and multi-layered. The federal government provides significant funding for these efforts – Metro has invested nearly \$172 million of federal Homeland Security funding into the system since September 11, 2001.

This funding has helped us install more than 3,500 new cameras throughout Metro’s rail and bus systems, including new cameras focused on the entrances at each of the 91 Metrorail stations. Our new 7000 Series railcars will come equipped with built-

in cameras, and all Metrobuses are now outfitted with closed-circuit television capabilities.

We have made great strides in the hardening of Metro infrastructure through physical security enhancements that include lighting, fencing, intrusion detection systems, and guard booths at all Metro rail and bus facilities.

Homeland Security funding has been used to establish Metro's Anti-Terrorism Team and strengthen the bomb squad and canine teams. Metro's bomb squad members receive specialized training and deploy advanced equipment – including robots and x-ray systems – to maintain the security of our system. In addition, Metro's Bomb Squad Commander trains other teams throughout the region and was a key player in developing national standards with the International Association of Bomb Technicians and Investigators (IABTI).

In response to recommendations made by the Federal Transit Administration (FTA) following 9/11, Metro used Homeland Security funds to help build new Rail and Bus Operations Control Centers with state-of-the art equipment for the command and control of our rail and bus operations, and created redundancy in these operations with back-up locations now available.

We have invested not only Homeland Security funds, but also Passenger Rail Investment and Improvement Act (PRIAA) and federal formula funding and matching grants to support a \$5 billion, multi-year capital program that is making long-deferred safety and state of good repair improvements to the system. This ranges from upgrades to our tracks, structures and signal systems, to the design of state-of-the-art railcars coming this year that will exceed the latest safety standards.

We have developed industry-leading safety programs, including an award-winning railroad worker training program, and the first Close Call program on a major transit property to encourage confidential reporting of safety hazards. We have also

begun implementing the first Fatigue Management System of any transit property, leading the industry in combining worker wellness programs and hours of service standards that we, at Metro, are establishing as a policy matter. Dedication and commitment to safety throughout the organization has resulted in the reduction of employee injuries for four straight years.

Metro has closed 25 of 29 recommendations stemming from the 2009 Fort Totten accident. We have closed every FTA safety recommendation, and received a favorable system safety review from FTA in 2012. We welcome them back this year and will actively participate with them in another such review.

Safety remains our number one priority – we have made great progress, but we must be diligent and focused every day on safety not only within Metro, but with our jurisdictional partners on whom we depend for emergency response.

Thank you for the opportunity to testify, and I would be pleased to answer your questions.

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Mortimer L. Downey Bio
Chairman, Board of Directors
Washington Metropolitan Area Transit Authority



Mortimer L. Downey, Chair, joined the Board in January 2010 as the first member appointed by the federal government and appointed as Board Chair in January 2015. Mr. Downey served as the U.S. Deputy Secretary of Transportation from 1993 to 2001 and as an Assistant Secretary of Transportation from 1977 to 1981. In 2008, he led the Obama transition agency review team for transportation. In all these periods, he was involved in issues affecting Metro. From 1981 to 1993, he was an officer of New York's Metropolitan Transportation Authority, serving for several years as its Executive Director and Chief Financial Officer. Since 2001, he has been a transportation consultant, working on a wide variety of institutional, financial, and organizational issues for public and private clients both foreign and domestic. He holds a B.A. in political science from Yale University, a master's degree in Public Administration from New York University's Wagner School of Public Service, and completed the Advanced Management Program at the Harvard Business School. He has received numerous transportation awards, including one of the three lifetime achievement awards ever granted by the American Public Transportation Association. He is a resident of Oakton, VA.

Mr. MICA. And we'll turn to Mr. Edward Mills, the assistant fire chief for the District of Columbia.

Welcome, sir. And you're recognized.

STATEMENT OF EDWARD R. MILLS

Mr. MILLS. Good morning. Good morning, members of the Transportation and Public Assets and Government Operations Subcommittee. My name is Edward Mills. I currently serve as the assistant fire chief with the District of Columbia Fire Department. As this is my first time before Congress, let me take a moment to introduce myself and the position for which I serve. My role is to oversee emerging operations for the District of Columbia Fire and Emergency Medical Services Department, to coordinate with other public safety agencies and Federal partners, including WMATA, to prevent, protect, mitigate, respond to, and recover from disasters and emergencies. I've spent 36 years of dedicated service in the Fire and Rescue Service, 18 years in Prince William County as both a career and volunteer firefighter, as well as 18 years with the District of Columbia Fire Department.

I thank you for allowing me the opportunity to discuss the District's response to the January 12 incident at the L'Enfant Plaza Metro. I will provide a brief summary of the incident, our response to it, and corrective steps we have already taken. I also want to State from the outset that the suffering that occurred during and as a result of the January 12 incident and tragedy, I extend my sympathies to the family of Mrs. Carol Glover and everyone else who was injured or went through that terrifying experience that day.

I want to assure the committee and the public that on January 12 my department responded quickly, acted bravely, and conducted rescue efforts that led to a positive outcome of the incident. I'm grateful that the Mayor Bowser administration has taken immediate steps to address issues identified by our preliminary reviews, which I believe will improve safety precautions. The administration has also taken the unprecedented steps of releasing 911 call transcripts and providing a thorough chronology of the events. In doing so, our goal was not to assign blame, but to be open and transparent with our residents, visitors, and Metro riders. We want to assure the residents and visitors of the District of Columbia that our department is prepared to handle any type of emergency at any time.

The incident inside the L'Enfant Plaza Metro Station, according to a publicly released NTSB preliminary report, on January 12, 2015, at approximately 3:06 p.m., an electrical breaker at one end of a section of third rail tripped or remained open. At approximately 3:15 p.m., moments after it departed southbound from L'Enfant Plaza Metro Station toward the Potomac River Bridge, a six-car Yellow Line train encountered heavy smoke and came to a complete stop in the tunnel.

After stopping, the rear of the Metro train was about 386 feet from the south end of the L'Enfant Metro Station. A second six-car train arrived at L'Enfant Plaza at approximately 3:25 p.m. And was

also affected by heavy smoke. This second train stopped, allowing its passengers to exit the train and evacuate from the station.

At 3:18, the Office of Unified Communications received a 911 call from a construction worker who reported smoke coming from a Metro ventilation shaft at 9th and Water Street SW. The Office of Unified Communications dispatched Fire and EMS units at 3:22 p.m. They arrived on scene at 3:25 p.m. The two responding units reported the smell of smoke emitting from the grate of the ventilation shaft.

Approximately 5 minutes after responding on the scene, responders observed two individuals in the ventilation shaft who apparently had self-evacuated from that stranded train. The responders notified their battalion fire chief, opened the ventilation shaft doors, descended approximately 50 to 75 feet to assist and evacuate those two individuals.

The second emergency call from a WMATA supervisor was received by the Office of Unified Communications at 3:22 p.m. The WMATA supervisor reported heavy smoke in the upper level of the L'Enfant Plaza Metro Station. A subsequent call from a different WMATA employee was received at 3:24. The caller requested medics and Fire units to L'Enfant Plaza Metro Station due to smoke in the station and individuals having difficulty breathing.

At 3:28, the Office of Unified Communications dispatched a Metro station box alarm to L'Enfant Plaza Metro. The first unit, Rescue Squad 1, arrived on the scene at 3:31 p.m. The first MPD unit from the 1st District arrived on the scene 1 minute later. At 3:33 p.m., Engine 4, Engine 18, and EMS 6 arrived on the scene, followed by Engine 23, Engine 10, and Engine 1.

I want to make it clear that within 8 minutes of the time of dispatch, seven units from D.C. Fire and EMS were on the scene at L'Enfant Plaza Metro. I also want to emphasize the point that Fire and EMS responders at this point did not know there was a train in the tunnel filled with passengers. The only information we had received at that point was there was heavy smoke in the Metro station.

Under Fire and EMS protocol, a Metro station box alarm consists of five engine companies, two ladder trucks, two battalion chiefs, one battalion chief responds to the Metro Operations Control Center in Landover, Maryland, one heavy rescue squad, one basic life support unit, and one advanced life support unit, along with one EMS supervisor. The first unit on the scene, Rescue Squad 1, who arrived at 3:31, made their way down into the platform level where they were met by members of the Metro Transit Police Department. And at that point, that was the first time we had any indication of a train being stuck in the tunnel.

I arrived on the scene at approximately 3:35 and immediately assessed the ongoing situation. I did a face-to-face communications with the on-scene deputy fire chief, established unified command with the Metro fire marshal, as well as a member from the Metro Transit Police Department.

The first responders had encountered a smoke-filled Metro station with numerous individuals evacuating the station or just having evacuated at the street level. Responders began assisting these

individuals, as these people had soot around their noses and mouths which may indicate potential respiratory burns.

As first responders moved to the lower level platform, they first encountered an empty Metro train at the platform in an evacuated station. That did lead to some confusion as to whether that was the train in question. At that point, until they met with the transit police officers, it was not clear. So the train in the tunnel was still in question at that time.

One group of first responders, Recon 1, entered the Metro tunnel following the catwalk alongside the train tracks. As you move down into the tunnel, the tunnel split for the Orange or the Yellow Line and the Green Line. The first group went down the side with the Green Line, shut the power off at the blue light station, and continued down. At that point, the crew from Rescue Squad 1 went to the opposite tunnel where they located the Yellow Line train approximately 386 feet into the tunnel, disabled the power by the blue light station, and at that point had made their way to the train and asked the passengers to open the door. Once they couldn't open the door, they moved to the side where they had the keys to be able to open the door and start evacuating the passengers.

Although their actions violated our department's written protocols, once they were informed that there were passengers on a stranded train in the tunnel, they did make their way down to start assisting those individuals trapped. When they made it to the train and immediately got into the train to triage the individuals, a short time after they came across Mrs. Glover, brought her out, and made sure that she was headed back to the platform level.

Yet once the first responders realized they were dealing with an incredibly serious situation with a train full of passengers, they did not wait for confirmation that the power was down. Instead, they acted, went into the tunnel filled with heavy smoke, had near zero visibility, and because they heard and felt the Orange and Blue Line trains entering the station on the lower-level tracks, there were still questions as to whether the power had been completely shut down. Yet they ignored these significant risks to themselves and made their way forward to help the stranded passengers.

Once Rescue Squad 1 reached the train, they attempted to open the emergency exit door, as I Stated before. As they started removing the passengers, they were able to move them to the catwalk, which is 22 inches wide, which required us to make a single-file line and move the passengers out in an orderly manner. The Statement by the lieutenant from Rescue Squad 1 did acknowledge how cooperative the passengers on the train, for what they were going through, were, and we were grateful for their cooperation.

In total, Fire and EMS treated several hundred individuals who were on the train. Eighty-four of those individuals were transported to local hospitals.

During the incident, Fire and EMS personnel encountered difficulty communicating with each other inside the Metro station using traditional radio communications channels. Let me provide some context to that. D.C. Fire and EMS operate using 16 radio channels and has used those same channels since the year 2000. The technology used to operate this radio system was installed in 2004, or upgraded in 2004, and is maintained by the Office of Uni-

fied Communications. However, in the WMATA system, all below-ground communications equipment is maintained by WMATA, including bidirectional amplifiers in the tunnels. These amplifiers, including those in the tunnel at L'Enfant Plaza, are design to boost radio transmissions and allow those transmissions to work underground. If the bidirectional amplifiers in an underground WMATA tunnel are not working, radio communications will be interrupted.

The P25 radio system that went into effect in December 2014, while some of those 16 channels used by Fire and EMS became encrypted for us to utilize on incidents requiring sensitive communications, such as terrorist-type incidents, administrative communications, and joint operations involving criminal matters with law enforcement, all the radio channels used by Fire and EMS, both encrypted and unencrypted, failed to work that day. The bidirectional amplifiers in the L'Enfant Plaza tunnel were not working on January 12. As a result, all below-ground radio communications were interrupted during the response.

I hasten to add that when we established an aboveground treatment and triage area for the people that we were evacuating, all of our radio channels, encrypted and unencrypted, worked the way we expected them to.

Finally, we've learned that on January 8, during a subsequent response to the L'Enfant Metro Station, units responding that day experienced radio failures. Those failures were reported to WMATA, and WMATA responded to Fire and EMS that the problem appeared to be equipment issues within the station. Responders on January 12 had to use a variety of alternate means of communications, including cell phones, direct talk communications, and face-to-face communications within the tunnel. Mayor Bowser has instructed the Office of Unified Communications, in conjunction with WMATA, to conduct weekly testing of radios at all Metro stations in the District. We are aware that some of the surrounding jurisdictions have also implemented testing on their own Metro facilities within their jurisdictions.

The results of the weekly OUC testings are shared with WMATA, which is responsible for taking corrective actions. During radio testing conducted the week of January 19, the Office of Unified Communications identified nine Metro facilities on the Red, Green, Orange, and Blue Lines that failed inspection. During OUC's reinspection of all of those Metro facilities, additional failures have been found and are all under repair. These tests will continue on a weekly basis for the foreseeable future.

In addition to the Fire and EMS initial report, HSEMA also produced an initial District of Columbia report on the L'Enfant Metro Station which highlighted many of these failures. OUC testing included the Metro station entrance, both ends, and middle of the train at platform levels and the specific areas of failure were noted and Office of Unified Communications provided that information to WMATA.

Additionally, Fire and EMS has reissued a protocol to its members on the proper alternative means of communications when radio coverage in suboptimal or down locations, and Fire and EMS and OUC are working collectively with WMATA to identify and immediately address these communication issues.

Currently, NTSB is conducting an investigation into the incident. Mayor Bowser has ordered all District agencies to fully cooperate with that investigation. Fire and EMS has worked with NTSB to interview responders who were first on the scene, as well as to provide access to any documentation required by NTSB.

And as a final and important point in my prepared testimony, let me emphasize the Mayor is committed to being transparent about information related to the incident. We have worked diligently to release as many details as we can to help the public make sense of the tragic events of that day. The mayor has committed to using all information related to the incident, including that which will be in the NTSB report, to help improve the District's response to and from the public homeland security incidents.

Mr. MICA. Thank you, Chief Mills.

[Prepared Statement of Mr. Mills follows:]

Government of the District of Columbia
Fire and EMS Department



Acting Assistant Fire and Emergency Medical Services
Chief-Operations Edward R. Mills III Testimony

Congress of the United States
Committee on Oversight and Government Reform
Subcommittee on Transportation and Public Assets and
Subcommittee on Government Operations

Appearing before the Committee on

February 13, 2015

Rayburn House Office Building
Washington, DC 20004
Room 2154

Good afternoon members of the Transportation/Public Assets and Government Operations Sub-Committees, and other members on the dais. My name is Edward R. Mills, and I serve as the Assistant Fire/EMS Chief for the District of Columbia. As this is my first time before Congress, let me take a moment to introduce myself and the position for which I am serving. My role is to oversee emerging operations for the District's Fire and Emergency Medical Services Department and coordinate with other public safety agencies and federal partners, including WMATA (Metro) to prevent/protect, mitigate, respond to and recover from disasters and emergencies. I have spent 36 years of dedicated service to the Fire service, 18 years in Prince William County, and 18 years in the District of Columbia Fire/EMS Department. Thank you for allowing me the opportunity to discuss the response of District's Fire/EMS Department, along with WMATA (Metro) to the January 12, 2015 incident at the L'Enfant Plaza Metro Station. I will provide a brief summary of the incident, our response to it, and corrective steps that we are already undertaking.

I want to state from the outset that the suffering that occurred during and as a result of the January 12 incident is a tragedy. Again, I extend my sympathies to the family of Carol Glover and everyone else who was injured or went through a terrifying experience that day.

I want to assure the Committees and the public that on January 12, my Department responded quickly, acted bravely, and conducted rescue efforts that led to a positive outcome of the incident. I am grateful that the Bowser Administration has taken immediate steps to address issues identified by our preliminary reviews which we believe will improve safety precautions. The Administration has also taken the unprecedented steps of releasing 911 call transcripts and providing a thorough chronology of events. In doing so, our goal is not to assign blame, but to be open and transparent with our residents, visitors and Metro riders. We want to assure the residents and visitors to the District of Columbia that our Department is prepared to handle any type of emergency at any time.

The Incident Inside the L'Enfant Plaza Metro Station

According to the publicly released NTSB preliminary report, on January 12, 2015, at approximately 3:06 p.m., an electrical breaker at one end of a section of third rail tripped (or opened). At approximately 3:15 p.m., moments after it departed southbound from the L'Enfant Plaza Metro Station toward the Potomac River Bridge, a six-car Yellow Line train encountered heavy smoke and came to a stop in the tunnel. After stopping, the rear car of the Metro train was about 386 feet from the south end of the L'Enfant Plaza Metro Station platform. A second six-car Metro train arrived at the L'Enfant Plaza platform around 3:25 p.m. and was also affected by heavy smoke. This second train stopped, allowing its passengers to exit the train and evacuate from the station. These facts are available at –

1) NTSB Preliminary Report: WMATA Smoke and Electrical Arcing Accident in Washington, DC, are available at:
http://www.nts.gov/investigations/AccidentReports/Pages/DCA15FR004_preliminary.aspx.

2) A more detailed timeline of events is contained in the Initial Report by FEMS on the L'Enfant Plaza Metro Station Incident of January 12, 2015, available at: http://mayor.dc.gov/sites/default/files/dc/sites/mayoromb/release_content/attachments/Initial_Report_on_the_L'Enfant_Plaza_Metro_Incident_January-12-2015.pdf.

The District's Responses

At 3:18 p.m., OUC received a 911 call from a construction worker reporting smoke coming out of a Metro ventilation shaft at 9th Street and Maine Avenue/Water Street, SW. OUC dispatched two FEMS units at 3:22 p.m. and they arrived on the scene at 3:25 p.m. The two responding units reported the smell of smoke emanating from the ventilation shaft. Approximately five minutes after arriving on scene, the FEMS responders observed two individuals in the ventilation shaft who had apparently self-evacuated from a Metro train. The FEMS responders notified their Battalion Fire Chief, opened the ventilation shaft doors, and descended approximately 50-75 feet to assist and evacuate the two individuals.

The second emergency call from a WMATA supervisor was received by OUC at 3:22 p.m. The WMATA supervisor reported heavy smoke in the upper level of the L'Enfant Plaza Metro Station. A subsequent call from a different WMATA employee was received by OUC at 3:24 p.m.; the caller requested medics and fire units to the L'Enfant Plaza Metro Station due to smoke in the station and individuals having difficulty breathing.

At 3:28 pm, OUC dispatched a Metro Station Box Alarm to L'Enfant Plaza Metro Station. The first FEMS unit, Rescue Squad 1, arrived on scene at 3:31 p.m.; the first MPD unit, Unit 1011 from the First District, arrived on scene one minute later. At 3:33 p.m., FEMS unit engine 4, 18, and EMS Captain 6 arrived on scene. At 3:34 p.m., FEMS Engine 23 arrived on scene. At 3:36 p.m. FEMS Engine 10 and Engine 1 arrived on scene. Within eight minutes of dispatch, seven FEMS units and one MPD unit were at L'Enfant Plaza Metro Station providing assistance. I also want to emphasize that at this point, FEMS responders did not know there was a Metro train filled with about 200 passengers stopped in the tunnel. The only information they had received at this point was there was heavy smoke in the Metro Station.

Under FEMS protocol, a Metro Station Box Alarm consist of the following FEMS units: five engine companies, two ladder trucks, two battalion fire chiefs, one battalion fire chief dispatched to the WMATA Operations Command Center in Landover, MD, one heavy rescue squad, one basic life support ambulance, one advanced life support ambulance, and one EMS supervisor. The first FEMS unit, Rescue Squad 1, arrived on scene at 3:31 p.m.; the first MPD unit, Unit 1011 from the First District, arrived on scene one minute later. At 3:33 p.m., FEMS units Engine 4, Engine 18, and EMS Captain 6 arrived on scene. At 3:34 p.m., FEMS Engine 23 arrived on scene. At 3:36 p.m., FEMS Engine 10 and Engine 1 arrived on scene. Within eight minutes of dispatch, seven FEMS units and one MPD unit were at the L'Enfant Plaza Metro Station providing assistance. I also want to emphasize that at this point, FEMS responders did not know there was a Metro train filled with about 200 passengers stopped in the tunnel. The only information they had received at this point was there was heavy smoke in the Metro Station.

L'Enfant Plaza Metro Station

I arrived on scene at approximately 3:35 p.m. and immediately assessed the ongoing operations and communicated with the on scene Deputy Fire Chief. First responders had encountered a smoke-filled Metro station with numerous individuals evacuating the station or having just evacuated and at street level. FEMS responders began assisting these individuals as the people had soot around their mouths and noses which could indicate respiratory burns. As first responders moved to the lower level platform, they found an empty Metro train on the tracks and received reports of a Metro train stuck in the tunnel.

One group of first responders, Recon 1, entered the Metro tunnel by following the catwalk that runs alongside the train tracks. After travelling along the catwalk until it ended, the tunnel split into separate tunnels for the Green Line and the Yellow Line. The Recon Group went into the left-side tunnel (Green Line tunnel) and disabled the power on the track using the blue light power cutoff stations located approximately every 800 feet.

A second group of first responders, the team from Rescue Squad 1, went to the Green/Yellow Line platform and encountered Metro personnel who informed them of a train stuck in the right-side tunnel (Yellow Line tunnel). Rescue Squad 1 then entered the tunnel by following the catwalk that runs alongside the train tracks.

I want to pause for a moment to highlight the actions of these two groups of FEMS responders. Their actions violated the Department's written protocols which require confirmation from WMATA that power to the third rail has been shut off before the firefighters are to go onto the tracks. Yet, once these first responders realized they were dealing with an incredibly serious situation of a train full of passengers stopped in a tunnel, they did not wait for confirmation. Instead, they acted. They went into a tunnel that was filled with heavy smoke and had near zero visibility. And because they heard and felt Orange and Blue Line trains entering and leaving the station on the level below them, they weren't always sure whether the third rail was still powered. Yet, they ignored these significant risks to themselves and made their way forward to help the stranded passengers.

Once Rescue Squad 1 reached the train, they attempted to open the emergency exit door located at the back of the rear car of the train, but could not gain access. Instead, Rescue Squad 1 opened a passenger door on that car to gain entry and begin assisting passengers. Rescue Squad 1 immediately began removing passengers from the train, including one individual that was unconscious. Shortly thereafter, Recon 1 arrived at the train to assist with the evacuation and treatment of passengers.

In total, FEMS responders treated several hundred individuals (200 in testimony) who were on the train or in the station. Eighty-four individuals were transported to area hospitals and one individual tragically died.

Communications Issue

During the incident, FEMS personnel encountered difficulty communicating with each other inside the Metro station using traditional radio communication channels.
Let me provide some context.

DCFEMS operates using 16 radio channels and has used these same channels since 2000. The technology used to operate this radio system was installed in 2004, and is maintained by the Office of Unified Communications (OUC). However, in the WMATA system, all below ground communication equipment is maintained by WMATA, including the bi-directional amplifiers in the tunnels. These amplifiers, including those in the tunnel at L'Enfant Plaza station, are designed to boost radio transmissions to allow radio transmissions to work underground. If the bi-directional amplifiers in an underground WMATA tunnel are not working, radio communication will be interrupted.

A radio system, P25, went into effect in December 2014. While some of the 16 radio channels used by FEMS, became encrypted for us in incidents requiring sensitive communications (i.e. terrorist type incidents, administrative communication, joint criminal matters with law enforcement) all the radio channels used by FEMS, both encrypted and unencrypted, failed to work because the bi-directional amplifiers in the L'Enfant Plaza tunnel were not working on January 12th, 2015. As a result, all below ground radio communication was interrupted on January 12th during the response.

I hasten to add that when we established an above ground medical branch for onsite treatment of victims, all FEMS radio channels —encrypted and unencrypted—worked as expected to allow full communication.

Finally, we have learned that on January 8th, during an FEMS response to an incident at the WMATA L'Enfant Plaza underground station, FEMS experienced radio failures and reported this to WMATA. WMATA responded to FEMS that the problem appeared to be the equipment issues within the station.

FEMS responders had to use a variety of alternate means of communication, including cell phones and the walkie-talkie function of their radios.

Mayor Bowser has instructed OUC, in conjunction with WMATA, to conduct weekly testing of radios at all Metro stations in the District. We are aware that some of the surrounding jurisdictions are also conducting their own radio communications testing at Metro facilities. The results of the weekly OUC testing are shared with WMATA, which is responsible for taking corrective action. During radio testing conducted the week of January 19th; OUC identified nine Metro facilities on the Red, Green, Orange, and Blue Lines that failed inspection. During OUC's re-inspection of all Metro facilities additional failures had been found and all under repair. These tests will continue on a weekly basis for the foreseeable future.

In addition to the FEMS Initial Report, HSEMA also produced an Initial District of Columbia Report on the L'Enfant Plaza Metro Station Incident on January 12, 2015, available at: <http://hsema.dc.gov/sites/default/files/dc/sites/mayormb/publication/attachments/HSEMAInitialReportonWMATAIncident.pdf>.

"Montgomery firefighters find radio-signal blind spots near 2 Metro stations," The Washington Post, February 1, 2015, available at: http://www.washingtonpost.com/local/trafficandcommuting/in-montgomery-fire-officials-tests-radio-signals-from-metro-tunnels-dont-reach-the-road/2015/02/01/8312ac5c-aa3f-11e4-abe8-e1ef60ca26de_story.html.

OUC testing included the Metro station entrance, both ends and the middle of the train platform, and the tunnels between Metro stations; the specific area of the failure was noted in the OUC notifications to WMATA.

Additionally, FEMS has re-issued a protocol to its members on the proper alternative means of communication when radio coverage is suboptimal or down. FEMS and OUC are working collaboratively with WMATA to identify and immediately address any communications or safety issues.

Currently, NTSB is conducting an investigation into the incident. Mayor Bowser has ordered all District agencies to cooperate fully with the NTSB investigation. FEMS has worked with NTSB to interview the responders who were first on scene, as well as to provide access to any documentation NTSB has requested. In addition, the Administration shared the FEMS and HSEMA initial reports with NTSB before they were publicly released in order to avoid disclosing anything that could impede the NTSB investigation. We will continue to provide NTSB with full access to any documentation and any individuals they request. HSEMA is also working on a final After Action Report that I expect will contain a thorough, comprehensive review of the incident and provide recommendations and corrective actions. The HSEMA report will be issued after the NTSB concludes its investigation.

As a final, and important, point in my prepared testimony, let me emphasize that the Mayor is committed to being transparent about information related to the incident. We have worked diligently to release as many details as we can to help the public make sense of the tragic events of that day. The Mayor is committed to using all of the information related to the event, including that which will be in the NTSB report, to help improve how the District responds to and recovers from public safety and homeland security incidents. Our emergency response agencies are working with both their regional counterparts and WMATA to improve our collective response to emergencies of this kind. I'd like to note that as part of my submitted written testimony, I have included the FEMS and HSEMA initial reports on the District's response to the January 12 incident.

Thank you for the opportunity to testify today and am available to answer your questions.

We have worked with METRO Police Chief Ron Pavlik and COG staff to establish a very short timeline for implementation of improvements in our communication system testing and reporting capacities.

Additionally we have discussed limited operational efficiencies to standardize incident command post operations, while future discussions will be had about broader training and operational concerns.

There are several upcoming meetings where I will report out on our progress to date and on how the "COG Fire Chiefs" have worked with WMATA to come to consensus on radio testing and reporting procedures.

The protocols however, are still being drafted. In addition to the testing we are doing in the District, we have agreed to bi-weekly radio system testing, system wide. Additionally WMATA has drafted a reporting mechanism, which we have tweaked to address various Chiefs concerns. The web-based reporting mechanism will auto-notify WMATA and jurisdictions of outage concerns.

WMATA has agreed to have "boots on the ground" within 24 hours to investigate radio deficiencies, with projections to affect repairs within 2 to 3 days. WMATA has committed to provide repair feedback to the affected jurisdictions.

A lot of progress has been made in the past week and additional meetings will be held.



**Government of the District of Columbia
Fire and Emergency Medical Services Department**



Eugene A. Jones
Interim Fire & EMS Chief

Edward R. Mills III
Acting Assistant Fire Chief
D.C. Fire and Emergency Medical Services Department

Edward Mills III is the Acting Assistant Fire Chief (A/AFC) for the D.C. Fire and Emergency Medical Services Department, which consists of 2,200 members. A/AFC Mills, an 18-year veteran of the Department, previously served as the Deputy Fire Chief of Operations in 2014, and Deputy Fire Chief of Special Operations in 2013.

A/AFC Edward Mills has a well-rounded career in fire service, which includes being a Battalion Fire Chief for Special Operations and a Captain for the Hazmat Unit.

Chief Mills earned his Bachelor of Science Degree in Fire Science Administration from the University of the District of Columbia. He also received hazardous materials and weapons of mass destruction training from the following institutions: National Fire Academy in Emmitsburg, Maryland; the Center for Domestic Preparedness; the United States Department of Homeland Security Department of Counter Terrorism; Fairfax County Criminal Justice Academy; and the University of Maryland Fire and Rescue Institute.

He also served on the following committees: Captain Shield Multi Agency Training Exercise; National Mass Decontamination Guidelines Peer Review Panel; and the Chairman of the 2013 Presidential Inauguration Flash Committee.

A/AFC Edward Mills is a member of the International Association of Fire Chiefs and the National Fire Protection Association.

The initial report completed for the Mayo on January 17, 2015, titled "Initial Report by the Fire and Emergency Medical Services Department on the L'Enfant Plaza Metro Station Incident of January 12, 2015," can be found at the following website:

http://mayor.dc.gov/sites/default/files/dc/sites/mayormb/release_content/attachments/Initial_Report_on_the_L'Enfant_Plaza_Metro_Incident_January-12-2015.pdf

The executive summary titled "Initial District of Columbia Report on the L'Enfant Plaza Metro Station Incident on January 12, 2015," can be found at the following website:

<http://mayor.dc.gov/sites/default/files/dc/sites/mayormb/publication/attachments/HSEMAInitialReportonWMATAIncident.pdf>

Mr. MICA. And we'll hear our last witness, Jackie Jeter. And she's president and business agent of Amalgamated Transit Union, Local 689.

Welcome. And you're recognized.

STATEMENT OF JACKIE L. JETER

Ms. JETER. Thank you. Good morning, Mr. Chairman and full ranking committee members. Thank you for allowing the ATU to be a part of this hearing. We offer condolences to all those involved in the accident.

I'm Jackie Jeter, president of ATU Local 689. Five years ago, after the tragic June 2009 Red Line accident, Local 689 testified in support of retraining plans, routine recertification, and equipment upgrades. We Stated our belief that the cultivation of a safety culture at the Washington Metropolitan Area Transit Authority would not only benefit our members, but just as importantly, the riding public.

I am here today to testify to the troubling fact that our system is still lacking acceptance of the need of a safety culture at WMATA. While we commend the improvements made since the 2009 accident, we must point out the task of developing a safety culture has not been met.

When I speak of a safety culture, I'm referring to overall attitudes, beliefs, and atmosphere that is cultivated at WMATA. We must have everyone, from the GM to the least senior, invested in making sure that safety is our No. 1 priority. This attitude must be reinforced from the top to the bottom with assurances that all the rules that are created are implemented fairly. Think about it. People experience a sense of pride when they are treated with dignity on the job, when their opinions are valued, their family responsibilities are respected, and they have a feeling of ownership through job security.

As president, I hear the complaints of the lack of morale and confidence in the handling of our care. The majority of the employees of WMATA do not have comfort in the feeling of overall safety. A safety culture can only be effective when all employees are confident that their opinion and work ethic is valued. An essential part of establishing a safety culture is providing employees with the opportunity to express suggestions and comments when they experience safety concerns.

Because of the lack of those feelings, our members have developed a sense of paranoia. It is difficult to get them to trust that WMATA will handle the information that they give with care.

We believe change takes constant investment in workers, as well as property. It takes the acceptance of ideas, trust in their ability to build confidence in WMATA's efforts, the efforts of their coworkers' skills, and the implementation of safety initiatives that protect and build confidence on their behalf.

I have Stated to officials of WMATA openly that they cannot discipline their way to a right and just safety culture. WMATA's procedure implies that a safety culture can be developed with the sole use of discipline instead of implementing constant, intense training

procedures. Training will prepare the employees for catastrophic events like June 12. Most of our members are not sent to safety training until they make a mistake. We do not have a training program that employees can freely attend to enhance their skill level without permission of supervision. This is not a habit that promotes a willing, healthy safety culture. In order to have a great safety culture, training and discipline must go hand in hand in a proactive way.

One of the recommendations implemented from the 2009 accident was the establishment of Safety Committee meetings. But most of the Safety Committee meetings are now attended by the few. The topics of discussion are mostly employee accidents, absenteeism, and workmen's compensation claims. These may be important to the general manager or CFO, but they are not the most important topics that affect employees in their daily experience. These Safety Committee meetings have to be about the protection of employer, worker, and the riding public, not just the employer's perspective on safety.

Workers have developed their own expectations of safety based on their daily experiences, such as the lack of bathroom facilities, rats in the stations, unruly passengers, equipment issues, operator assaults, prompt report repairs, the cleanliness of stations, what to do before a passenger spits on you, the lack of police presence throughout the system, and the list goes on and on. This must be incorporated in the program of safety to gain trust and constant interest.

My testimony today is not to lay blame or point fingers. Instead, it is intended to open the discussion that includes everyone, my members, WMATA, you, and the people who ride the buses and trains every day. And this discussion shouldn't just happen when you want to implement a new safety procedure or policy. It is about developing the expertise and trust for all employees, so that a situation like January 12 can be handled in the safest possible way each and every time.

Local 689 remains, as always, dedicated to safety, to our members, and our riders. And I'll take any questions.

Mr. MICA. Thank you.

[Prepared Statement of Ms. Jeter follows:]

AMALGAMATED TRANSIT UNION LOCAL 689

2701 Whitney Place, Forestville, Maryland 20747-3457
Telephone 301-568-6899 Facsimile 301-568-0692
www.atulocal689.org



JACKIE LYNN JETER
President
ESKER BILGER JR.
Financial Secretary-Treasurer
LARRY LOCKLEY JR.
Recording Secretary
ROLAND H. JETER
1st Vice President
GERRY GARNETT
2nd Vice President

Testimony of Jackie L. Jeter President/Business Agent Amalgamated Transit Union Local 689 Before

The Subcommittees on Transportation and Public Assets and Government Operations
February 13, 2015

Mr. Chairmen, Ranking and Committee members,

My name is Jackie L. Jeter and I am the President of the ATU Local 689. Five years ago, after the tragic June 2009 Red Line accident, Local 689 testified in support of retraining plans, routine recertification and equipment upgrades. We made vocal our belief that the cultivation of a safety culture at Washington Metropolitan Area Transit Authority (WMATA) would not only benefit our members, but just as importantly, the riders. While we commend the improvements made since the 2009 accident, most of which have been in the procedures for track work and work areas, we would like to point out that we have not yet reached the point of celebration and from the recent accident that's brought us in front of you again, we have not yet mastered the task of the development of a safety culture.

Like WMATA, Local 689 bears the scars of all the accidents that have resulted in the loss of life. The last ten lives lost in accidents at WMATA since 2005 are glaring examples of the lack of a safety culture that has existed for some time. I am here today to testify to the troubling fact that we are still lacking acceptance of the need for a Safety Culture at WMATA.

When I speak of a Safety Culture I am referring to the overall attitudes, beliefs and atmosphere that is cultivated at a company. I suggest that everyone in this company, from the GM to the Custodians, is invested in making sure that safety is our number one priority. This attitude is reinforced from the top with reassurance that rules are created and implemented fairly, not just knee jerk reactions to a recent event, and is strengthened from the bottom up with how employees view their craft and their responsibilities daily. Think about it: people experience a sense of pride when they are treated with dignity on the job, when their opinions are valued, when their family responsibilities are respected, when they have a feeling of ownership and experience security. I am constantly bombarded with the complaints of lack of morale and confidence in the handling of our care, and that comes from managers and union

members. The majority of the employees of WMATA do not have comfort in the feeling of safety.

One part of establishing a safety culture is providing employees with the opportunity to express suggestions and comments when they feel they have safety concerns. In order to be effective, it matters what is done with the concerns and information. There is a developed sense of paranoia and it is difficult to get members/employees to trust that WMATA will handle the information given concerning safety, or just simple facts such as a sick child, with care. A safety culture can only be created when all employees are confident that their opinions are valued. They have to trust in the fact that their information will be handled properly, and for the good of the entire company, not against them. We believe that it takes a constant investment in workers as well as property. It takes the acceptance of ideas and trust in their ability, to build confidence in their company's efforts, their co-workers skills and the implementation of safety initiatives that protect and build excellence on their behalf!

I have stated to officials at WMATA, openly and honestly, that they cannot suspend their way to a right and just safety culture and that is predominately how safety problems are handled. WMATA thinks that a safety culture can be developed with the misuse of discipline. Instead of implementing training and re-training procedures, and preparing their employees for catastrophic events, like the Jan 12th event, they insist on harshly punishing even the smallest uniform violation. Most of our members are not sent to safety training until they make a mistake. We do not have training programs that employees can freely attend, to enhance their skill level, without permission and safety consciousness is not developed while they are performing their jobs correctly. This is not the habit of a healthy safety culture. In order to have a great safety culture, training and discipline have to go hand in hand in a pro-active way. A glaring example of this fact is that all WMATA employees travel and traverse the Metro rail system but only select employees are trained to evacuate passengers or trained to handle emergency situations such as smoke or fire in the tunnels. And if they are trained when they are hired, that investment is never made again.

One of the recommendations implemented from the 2009 accident were Safety Committee meetings, and they mattered to my members, but Local 689 has long understood that the Safety Committee meetings are no longer attended as heavily as they were in the beginning because the topics of discussion, which are also the same items presented to the Metro Board of Directors, only include bus or employee accidents, employee absenteeism, and employee Workmen's Compensation claims. The employees who attend are chosen by Management, so the masses do not attend because they feel that the items discussed are not their day to day experience. A safety culture has to be about the interest of employer, worker and rider safety, not just the employers thoughts of safety. I can tell you that my members are not interested in the Cotton Candy approach that looks good, smells good, but melts in your mouth and turns to nothing when consumed. They are interested in discussing the lack of

bathroom facilities, rats in stations, unruly passengers, operator assaults, what to do when a passenger spits on you, the lack of police presence throughout the system and the list goes on and on and on.

My testimony today is not about laying blame and pointing fingers. It is instead intended to begin a discussion that includes everyone: my members, WMATA, you, and the people who ride the buses and trains every day. It is about developing the expertise and trust of all employees so that a situation, like the 12th, can be handled in the safest possible way, each and every time. We have attached a sheet with suggestions that we feel can begin to address the institution of a safety culture at WMATA. Local 689 is, as always, dedicated to the safety of our members and the riders.

Thank you for your time.

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2nd Vice President

January 23, 2015

While the January 12, 2015 DC Metro accident that took a life and sent many others to the hospital was horrific and unfortunate, we believe it may have been preventable. The incident was the result of a non-existent safety culture at WMATA that endangers the lives of passengers and workers on a daily basis.

According to OSHA, "developing strong safety cultures have the single greatest impact on accident reduction of any process. In a strong safety culture, everyone feels responsible for safety and pursues it on a daily basis; employees go beyond "the call of duty" to identify unsafe conditions and behaviors, and intervene to correct them."

Safety Culture is the ways in which safety is managed in the workplace, and often reflects the "attitudes, beliefs, perceptions and values that employees share in relation to safety.

We have definitive recommendation on how a safety culture can begin to take shape at WMATA.

Invest in Continuous Training for the workforce

There are employees who have received emergency preparation training when they were first hired ten years ago and have never been trained again. Consider this: The world of 2015 is dramatically different than that of 2005.

- Make classes easy to sign up for and attend
- Re-training/ aggressive emergency training annually
- Positive reinforcement in regards to employees volunteering for safety training

Change the Perception of Retaliation

We have seen that the only time training is offered is when employees are being disciplined for failing to perform properly. You cannot suspend your way to safety!

- Encourage employee participation in anonymous non-punitive safety reporting.
- Implement Instruction, Guidance and Support for employees.
- Foster a culture of trust between Management and Employees.

Hold Management to the Same Standards

Supervisors cannot instruct employees unless equipped with the same knowledge of procedures as the employees they are supervising.

- Safety should be the Number One priority for everybody.
- Bridge the gap with communication between supervisors and employees.
- Senior management should be just as committed to safety and shared care and concern for safety hazards

Like so many in the DMV, our friends, family and neighbors ride Metro. At the end of the day, we live, work, and care about this community because it is ours. We want safe, clean and reliable public transportation and we believe these measure will increase Metro's safety.

Affiliated with AFL-CIO, MD-DC AFL-CIO, VA State AFL-CIO, Canadian Labour Congress,
Metropolitan Washington Council AFL-CIO, VA State Legislative Conference Board, ATU Delmarva Joint Service Council

Jackie L. Jeter Biographical Summary

Jackie L. Jeter is President and Business Agent of the more than 12,000-member ATU Local 689. The members of Local 689, including working and retired employees, elected Jackie to the union's top leadership position in December 2006. She took office in January 2007, making history as the first African American woman to head the local since its founding nearly 100 years ago.

As President of Local 689, Jeter leads the fight for protecting the interests of Metro transit workers. Her leadership is backed by nearly 30 years of invaluable rank-in-file experience operating Metro buses, trains and the rail interlocking system.

A veteran union activist, Jeter has been an elected official with Local 689 since 1994. She started as a Shop Steward for rail operations and continued to win the support of the membership. She was elected Assistant Business Agent, First Vice President, and Financial Secretary-Treasurer of Local 689 in steady succession. Each time, Jeter set a precedent as the first African American woman to hold those offices.

Her leadership presence extends to the international ATU family and regional union community. She is President of the ATU International Women's Caucus and a member of Today's Women Caucus of Local 689. Jeter served on the executive board of the Washington Metropolitan Council, AFL-CIO from 1996 to 2002.

President Jeter is an unflinching champion for the rights of workers, demonstrating vision, insight and tenacity in representing Local 689's priorities. She is forging a mutual alliance of respect and collaboration between her members and the public that they serve.

Jeter is married to Roland H. Jeter and has lived in the Washington area since 1978. They have five children and five granddaughters.

Committee on Oversight and Government Reform
Witness Disclosure Requirement - "Truth in Testimony"
Required by House Rule XI, Clause 2(g)(5)

Name:

1. Please list any federal grants or contracts (including subgrants or subcontracts) you have received since October 1, 2012. Include the source and amount of each grant or contract.

No, I have not received any federal grants.

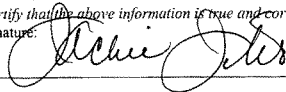
2. Please list any entity you are testifying on behalf of and briefly describe your relationship with these entities.

I am testifying on behalf of the Amalgamated Transit Union Local 689, the DMV transit union representing operators, maintenance and clerical workers of the Washington Metropolitan Area Transit Authority (WMATA). I am the president/Business Agent since 2006

3. Please list any federal grants or contracts (including subgrants or subcontracts) received since October 1, 2012, by the entity(ies) you listed above. Include the source and amount of each grant or contract.

Local 689 does not receive any federal grants.

I certify that the above information is true and correct.
Signature:



Date:

Feb. 12, 2015

Mr. MICA. And we will get to questions right now. With pending votes, we'll try to make these as brief as possible and succinct.

First, Mr. Downey, I guess you just took over as chair?

Mr. DOWNEY. Three weeks ago. I've been on the board for 5 years, but I've just become chairman.

Mr. MICA. And I might say I've worked with him for many years, outstanding reputation. They couldn't have a better chair.

Mr. CONNOLLY. He's also my constituent.

Mr. MICA. Good.

In any event, first of all, there was a communications failure. It appears that the system works above ground but not below ground. And you're telling us that now it does work and it has been tested.

Mr. DOWNEY. There is now a regular process of testing by the——

Mr. MICA. Does it work?

Mr. DOWNEY. Things that have been identified that needed fixing are being fixed or have been fixed.

Mr. MICA. But they may not be fixed.

Chief.

Mr. MILLS. The Office of Unified Communications, in conjunction with WMATA, we're doing weekly tests in the various Metro stations. And any of our emergency responders that respond to stations also test the radios while they're there, and there is a report that we fill out that gets forwarded by that company to one of our battalion chiefs, to WMATA and OUC.

Mr. MICA. Somewhere the ball was dropped there. I was very concerned about the aboveground interoperability. We've had several incidents above ground and there was interoperability lacking with, well, we have D.C. Police, we have Secret Service, we have a whole host of folks. And some of you may recall the incidents. Do you think that's under control, the ability to communicate between the different enforcements agencies and first responders?

Mr. MILLS. Yes, Mayor Bowser has put out a directive that we will be going away from the encrypted, which will allow us to restore our immediate——

Mr. MICA. I'm talking beyond that, your ability to communicate with the other agencies.

Mr. MILLS. Yes, we have that.

Mr. MICA. OK. Let me ask you too another question. Was the training of the first responders, they said only 100 of the firefighters, 1,700 firefighters that might have to deal with these incidents have been trained. What is the story there?

Mr. MILLS. We have various levels of training. Everybody who comes through our Fire and Rescue Training Academy receives training related to Metro and how to operate within a Metro systems emergency. Now, as we move forward with our training there are technical rescue training, which the 100 we sent out, that dealt specifically with elevators and escalator rescues within the Metro system.

Mr. MICA. But basic things, like, again, more than likely the power might stay on in an incident, how to get people in and out with a hot track?

Mr. MILLS. OK. We have tools as part of the basic training that they get in the training at the academy.

Mr. MICA. When it comes down to it, not everybody has been trained who might have to respond to those kind of incidents in, say, a hot track?

Mr. MILLS. Yes, everybody receives that training while they go through the Fire and EMS Training Academy. When they're in their rookie stage, everybody gets that training.

Mr. MICA. On a Metro situation?

Mr. MILLS. Yes. They get the basic Metro safety training.

Mr. MICA. All right.

Mr. DOWNEY. Mr. Chairman, could I add something to that?

Mr. MICA. Yes.

Mr. DOWNEY. The hundred out of a total of about 5,000 who were trained were individuals who came to our training center at Landover where there is a mock tunnel, where there are cars, where they really can see the hands-on. We can even fill it with smoke and show what that situation would be like. That's what we hope we can do with the vast majority of people who would respond on Metro, so they could see what actually exists on the ground.

Mr. MICA. And the system, there's a conductor on each of these trains. Of course, we've got dozens, almost everybody on a Metro has a cell phone. They didn't work. We've got recordings from Mr. Rogers' attempts. And you can hear the communications were garbled. So people wouldn't know if the conductor can't tell them we have got people trapped in a car down here. That's solved too?

Mr. MILLS. We had a subsequent emergency last week where we had back-to-back Metro boxes, and they were at the same time. And the communications between Fire and EMS and Metro and the response that we got showed marked improvement. All of our requests that we made during those incidents Metro complied with immediately. And we were able to mitigate both of those incidents in a timely manner.

Mr. MICA. OK. How many people here took Metro this week? Anybody? Raise your hand. OK. All right. Quite a few hands went up. As many as three-quarters of a million people a day want answers to those questions.

Mr. CONNOLLY.

Mr. CONNOLLY. Thank you, Mr. Chairman.

Welcome again to the panel.

Mr. Downey, picking up on your distinction.

Mr. Mills, you said all 1,700 have taken training with respect to Metro, but not all 1,700 have gone to the Landover facility to be trained at the tunnel facsimile, is that not correct?

Mr. MILLS. That's correct. We are in the process, through the Washington Council of Governments Chiefs Committee, there has been rapid improvement in communications with Metro. And we are sending——

Mr. CONNOLLY. I've got very limited time.

Mr. MILLS. OK.

Mr. CONNOLLY. Unlike you in your testimony, because we have votes coming. Is it up to the different jurisdictions whether they choose to have that specialized training, Mr. Downey?

Mr. DOWNEY. We can't force them to come. It is available.

Mr. CONNOLLY. Right. So weakness No. 1, we don't have consistency in the requirement for training in responding to an incident in Metro anywhere in the system.

Mr. DOWNEY. We have some that are very well trained. Fairfax County sent 754 responders.

Mr. CONNOLLY. And D.C. sent 100.

Mr. DOWNEY. In this particular year, 100.

Mr. CONNOLLY. And most of Fairfax's Metro is above ground?

Mr. DOWNEY. Yes.

Mr. CONNOLLY. Most of D.C. Is below ground in tunnels. So, Mr. Mills, I know you're new to Congress, but, I mean, this is very troubling that D.C. Has not elected to train all of its people at the Landover facility given the fact that 90-something percent of Metro in D.C. Is underground.

Mr. MILLS. Well, the 100 you're referring to was last year. Subsequent years prior to that we have rotated all of our companies out there. So a large number of our personnel have been trained at the Landover facility. Last year we sent 100 for technical rescue.

Now, the Metro tunnel, as you say is underground, hasn't changed. It's still the same tunnel——

Mr. CONNOLLY. Right.

Mr. MILLS [continuing]. That these individuals were trained on years ago.

And let me make this clear: Our members would not have been able to respond to that incident on January 12, overcome the many challenges that they faced that day with lack of information, inability to communicate had they not received proper training in years past. They operated tremendously.

Mr. CONNOLLY. Mr. Mills, you don't need to defend the rank and file. They're brave men and women, and they put themselves in harm's way. This is a management issue. This is about management, not about the rank and file.

How much money has D.C. gotten since 2001 through UASI grants for radios and communication?

Mr. MILLS. I don't have those figures.

Mr. CONNOLLY. It would be in the tens of millions, would it not?

Mr. MILLS. I can't answer that.

Mr. CONNOLLY. Really? Well, let's get somebody who can.

Mr. Downey, how much has Metro received in UASI?

Mr. DOWNEY. Metro has received about \$200 million in support——

Mr. CONNOLLY. Right.

Mr. DOWNEY [continuing]. Much of which has gone for cameras, for terrorist teams, for our dog teams, but some of which has gone for radios and other communication.

Mr. CONNOLLY. On September 2001, I remember vividly, two of our region's systems didn't communicate with anyone else, D.C. and U.S. Park Police. They were on different frequencies, they had different equipment. And we all vowed we were going to fix that. We were going to have a uniform set of standards so we could all speak to one another. And interoperability was paramount in our prioritization of UASI grants.

Here we are 14 years later and Mr. Mills is testifying that none of the radios worked underground. They did work on the surface.

But his men and women couldn't be communicated with so that they had an incident report and had accurate information as to where is the train, how many people are on the train, what's the conditions of the people on the train, is the third rail turned off or not.

I mean, how is this possible after 14 years and hundreds of millions—I assure you, Mr. Mills, it's in the hundreds for D.C. As well—and we still don't have the ability for Mr. Mills' men and women to respond safely and to try to help Mr. Rogers and his companions on that train? How is that possible?

Mr. DOWNEY. There are protocols. There are processes. Clearly they have to be exercised through training and through regular inspections to see that they are working. It's an ever ongoing process. We can't say because we spent the money in 2001, it would be working today. We have to be sure that it is working today.

I mentioned earlier my concern about our Control Center. These people run the whole system. They were the ones who could actually know what was going on. We have to be sure that they're hearing what's happening and pass it along.

Mr. CONNOLLY. Yes. But obviously the system did not work properly and one life was lost and we could have lost more.

Mr. DOWNEY. Correct.

Mr. CONNOLLY. I have one more question, Mr. Chairman, because I know we've got to run.

Mr. Hart, this is an easy one I think. Were Metro's SOPs on ventilation consistent with the 2007 guidance issued by NTSB?

Mr. HART. We didn't find any written operating procedures, and so we don't have a good answer for you yet. That's one of the things we're looking at in the course of the evaluation.

Mr. CONNOLLY. If I'm looking at page 3 of your interim report, the answer seems to be no.

Mr. HART. Well, we know that someone put an exit fan at the station, and that's pretty much logical, that's what you would expect to happen. There's smoke in the station, let's exit it. But they were also doing exit at the other place, which made it a pull/pull operation which didn't move the smoke.

Mr. CONNOLLY. Thank you. My time is up.

Thank you, Mr. Chairman.

Mr. MICA. Thank you.

Let me recognize the chairman of the Operations Subcommittee, Mr. Meadows.

Mr. MEADOWS. Thank you to you for your testimony.

Mr. Mills, let me come to you because you said that even when your men and women went down to make the rescue you weren't sure if the electricity was turned off, you weren't sure that there were passengers on the train. Is that correct?

Mr. MILLS. Yes. At the time they initially made their way into the station, we had not received the information—

Mr. MEADOWS. Yes, I need yeses or noes. I only have 5 minutes.

Mr. MILLS. That's correct, yes.

Mr. MEADOWS. Okay. If that is correct, why would you have not known? Who is responsible for letting you know that?

Mr. MILLS. When the call was made from WMATA to the Office of Unified Communications, they should have—

Mr. MEADOWS. So WMATA should have known that the track was energized, not energized?

Mr. MILLS. Correct.

Mr. MEADOWS. Said there's people on the train, you need to get there, and that communication did not happen.

Mr. MILLS. Correct.

Mr. MEADOWS. Mr. Downey, why did that not happen?

Mr. DOWNEY. That's one of the reasons why I've asked the Control Center study to be accomplished. That's their function.

Mr. MEADOWS. I guess before we answer the question, Mr. Downey, how many people have to die and how many events do we have to have before we can answer that question? Why did that not happen?

Mr. DOWNEY. We should not have another event like this at any time. We need to look at our procedures. We need to retrain our people. We need to establish—

Mr. MEADOWS. But I've looked at some of the question and answer, Mr. Downey, and this is not to be directed just at you, I looked at some of the questions and answers with 2009. And some of the same things were said back then—we're going to do training, we're going to do this, we're going to do that. And yet here we are some 6 years later and the same thing happened.

Mr. DOWNEY. I would like to provide for you the things we have done, but there's—

Mr. MEADOWS. I don't need—

Mr. DOWNEY. —still a long list of things that—

Mr. MEADOWS. If you tell the 80-plus people that were facing death about the things we have done, they don't care about that. All they care about are the things we haven't done.

Mr. DOWNEY. Right.

Mr. MEADOWS. So let me ask you, Mr. Downey, because a lot has been made of the resources and lack of resources that we have and that this is not just a management problem. And so, because I don't know, I just went in and I went to the National Transit Data base. And I looked at what transit in New York, Chicago, and here in Washington, what they're spending. And when I looked at those figures, it looks like you're spending more money than Chicago, who has a bigger system. So is it really a resource problem or a management problem?

Mr. DOWNEY. I don't know whether you're talking about our operating expense or—

Mr. MEADOWS. I'll look at operating and total because you're spending more on all of those things.

Mr. DOWNEY. I know we are spending more on capital than probably Chicago, not as much as New York. We're spending a lot because we're catching up from years and years of deferred maintenance. We really need to go through the system and replace—

Mr. MEADOWS. So your testimony here today is that you're not really spending more than those systems that are actually bigger, that your budget is not bigger?

Mr. DOWNEY. I don't know if our operating—

Mr. MEADOWS. Because I went back over 10 years and I looked at the budget and compared it to Chicago. And your budget every single year is bigger all the way around than Chicago, who is a big-

ger system with more employees and more customers. So is that a management problem?

Mr. DOWNEY. I'd be happy to look at that. I know it's smaller than New York. The comparison to Chicago, I'm not familiar with.

Mr. MEADOWS. All right. So let me go on a little bit further, because what troubles me is, is that we'll have this hearing and nothing happens. Do you believe that some of the problem was because smoke in tunnels, trains not working, elevators not working, escalators not working, things not working, that that has become so commonplace that when Mr. Mills got the call they just figured, well, it's just another smoke in the tunnel? Is that commonplace to see smoke in the tunnel?

Mr. DOWNEY. There are occasions where either a trash fire or some small thing happens where there is smoke. But I think we should always assume that there are people at risk. I think the response should be based on the fact that trains run in the tunnels, people are on trains, we really have to keep that in mind as what could be a worst case, and respond to it.

Mr. MEADOWS. Mr. Hart, let me, my last question is to you, because obviously you're going to make some recommendations, you have made some preliminary things. I go back to some of the prior events, not just 2009 but before that, the "it says because you could not compel them to take action." Do you expect the same response this time?

Mr. HART. I wouldn't want to predict what the response is. I would just say that, at this point, WMATA is cooperating with us very well in the—

Mr. MEADOWS. Have they always cooperated with every recommendation in the past? Yes or no?

Mr. HART. I wouldn't say every recommendation, most—

Mr. MEADOWS. So there are recommendations that you deemed important that they did not respond to?

Mr. HART. Yes. That's correct.

Mr. MEADOWS. All right. Thank you.

Mr. MICA. Thank the gentleman.

Recognize Mr. DeSaulnier.

Mr. DESAULNIER. Thank you, Mr. Chairman.

Mr. Downey, thank you for your service. We appreciate part-time service.

Mr. DOWNEY. Part-time, uncompensated service.

Mr. DESAULNIER. Yes. I'm aware. Many of us used to do that.

So specifically to the safety culture, and specific responses, brief please, and then Ms. Jeter, this is disturbingly familiar to the situation in the Bay Area that I have been unfortunately very intimately involved with—

Mr. DOWNEY. I know that.

Mr. DESAULNIER [continuing]. Between ATU, all of the locals at BART, and management. Ms. Jeter said the safety culture should go from the general manager down to the rank and file. I would add that it should be actively engaged in at the board level.

Mr. DOWNEY. At the board level.

Mr. DESAULNIER. Unfortunately, too often in these boards, my experience is that you are very dependent on staff and sometimes reluctant to question staff. So what specifically is the board doing?

And I'm not ascribing blame, by the way, to either side, but the collective culture has led to somebody losing their life. I should say many people losing their lives. So for all the specific things we have to do in operations and improved resources, you've still got this culture. What is the board doing to remedy it?

Mr. DOWNEY. I believe that that does start with the board. And I joined the board in 2010 in the aftermath of the Fort Totten incident. One of the first things I asked the board to do was to establish a regular Safety Committee. I've chaired that committee for the last 5 years. We meet once a month. We get regular progress reports on dealing with NTSB and other recommendations. We review incident reports.

Mr. DESAULNIER. Mr. Downey, excuse me, my question again, because we're all limited in time, is the relationship with the employees. What are you doing specifically on the board to do corrective things for what's been described by Ms. Jeter? And, again, I'm not ascribing blame. But it's a problem that has to be solved.

Mr. DOWNEY. One of our early actions was to do an employee survey. And, frankly, in 2011 it showed the conditions that Ms. Jeter described. We recognized that is what needed to be changed. We've taken a number of steps. A survey a year or so ago indicated to us that there had been improvement. But clearly there's always more room.

We at the top, at the board, are committed to a safety culture. If you ask me to describe it, I would describe it the same way Ms. Jeter did. We need to work down through the organization and find where in the middle it's not functioning as it should.

Mr. DESAULNIER. Ms. Jeter, have you given specific recommendations to the board as to how to improve the situation, either outside of collective bargaining or during collective bargaining, that you're comfortable giving to the committee?

Ms. JETER. I won't say specifically because I know there's a couple letters that I've written to the board concerning things that the union feels needs to be looked at. But I can say that to the general manager and down through the Safety Committees we have. Mr. Connolly talked about the radio problems. It's a radio problem throughout the system. It's not just this particular incident that happened to happen with the preparedness team that was there, the emergency response team. It is a problem.

And I've said to the general manager, Sarles, as well as the acting general manager, that some of the concerns that we have are the ones that we actually do not—we look at a survey and we look at employees saying, oh, yes, I would respond to a safety issue. But that's not a safety culture. And anybody will say anything, especially when the rule says you're supposed to report all safety issues. So, of course, they're going to say yes to a survey.

Mr. DESAULNIER. Thank you, Ms. Jeter.

Mr. Hart, your great comments under the Most Wanted List of Transportation Safety on page 2 of your testimony, "Mass transit agencies should work to identify, define, prioritize, and mitigate safety risks," that's permissive. Should it be less permissive and must? And what is the role of the Federal Department of Transportation? If you would be brief, I have a question for Mr. Rogers I want to finish with.

Mr. HART. Sure. We are not part of the Department of Transportation. Your question would be more aptly directed to the regulator, which is the Federal Transit Administration. We are the investigator. We can't require anyone to do anything.

Mr. DESAULNIER. Okay.

Mr. Rogers, again, thank you. And having lived through this—and probably the most important stakeholder here is the commuter and the confidence you have in the system—having listened to all this, and clearly something that was emotional and will stay with you the rest of your life, do you have any sense of greater confidence in the system and that this won't happen again?

Mr. ROGERS. I guess not yet, not at this point. But I'm hopeful that they can make the changes that'll increase safety.

Mr. DESAULNIER. Thank you, sir.

I yield back, Mr. Chairman.

Mr. MEADOWS [presiding]. Thank you.

The chair recognizes the gentleman, Mr. Grothman.

Mr. GROTHMAN. OK. Just a couple questions, I guess for Mr. Downey or whoever else wants to answer, just so I get a sense here. As far as other metros, Boston, Chicago, New York, or in Europe, Latin America, could you compare your safety record, per passenger or per trip or whatever, to these other systems in other countries or elsewhere around the United States?

Mr. DOWNEY. We do regular reporting on incidents, number of passenger injuries, et cetera. We generally compare ourselves to where we were in the past to see that we're getting better. There are data, but it's very hard to make the comparison. I think on the whole we do rank reasonably well, but I wouldn't totally depend on how we report things, how others report things. I think what is really important is we're looking at where we are and where we need to be and measuring are we or are we not getting better.

Mr. GROTHMAN. Okay. So you don't really have a hard feeling, I suppose—

Mr. DOWNEY. Couldn't give you a hard number.

Mr. GROTHMAN. Don't really keep track of that? Okay.

Mr. DOWNEY. I would give you one hard comment, which is public transit everywhere is a very, very safe mode of transportation relative to other ways of getting around.

Mr. GROTHMAN. OK.

Apparently in 2006 you had a similar incident, and the train operator, he just went car to car and did manage to evacuate the passengers. Could you comment on why that didn't have this time or I guess why, is there training going on or why apparently the operator was able to handle this 8 years ago and not this year?

Mr. DOWNEY. I think, as we heard from Mr. Rogers, the train operator in this incident, and I think the Safety Board report will clear up whatever happened, he did go through the train, he did communicate. From all I've read about it, this was, from his standpoint, a well-handled responsibility that he has. I think the 2006 incident was a Chicago event, not a Washington event.

Mr. GROTHMAN. OK.

I yield my time.

Mr. MEADOWS. I thank the gentleman.

We do have votes, and so I want to just remind members we have votes. But the chair recognizes the gentlewoman from New York.

Mrs. MALONEY. Thank you. I'll be very brief. My condolences to Mrs. Glover's family and appreciation to the first responders and good samaritans that rushed to try to save lives.

Mr. Downey, I represent New York, and on 9 11 our radios didn't work and it contributed to the loss of over 300 firefighters' lives. And since then this Congress has tried to help localities make them work. And I understand that Metro has spent over \$31 million on radio equipment and interoperability through the Federal Transit Administration-funded projects.

So I just want to ask you, and I guess we don't have time to hear an answer, but is there any more that Congress can do? But why can't we get these radios to work? We can put people on the Moon, and if we could get these radios to work, it could save lives. And I'm not just going after your area. They still don't work in New York. They're still not interoperable.

So there's a disconnect. There's something happening that this project that should be achievable is not working. I feel it's critical and serious and that we need to be able to do it to save lives. But that's my question. But the chairman is telling me we have to rush to vote. So I respectfully request an answer in writing back to the committee. Thank you.

Mr. DOWNEY. We'll provide you with that.

Mr. MEADOWS. I thank the gentlewoman. I'm going to go ahead let her go ahead to vote. I will say that because of the serious nature of this particular event and obviously the serious tone of this particular hearing, we're going to continue on with this hearing now and not recess. And I'm going to recognize the gentlewoman from the District here, Ms. Holmes Norton.

Ms. NORTON. I thank you, Mr. Chairman. I was going to let Mr. Beyer go before—

Mr. MEADOWS. All right. We'll go ahead and recognize Mr. Beyer so he can go to vote.

Ms. NORTON. He has the right to vote.

Mr. BEYER. Thank you, Ms. Norton.

Let me first, Mr. Chairman, thank you so much for being patient with all this. And let me first praise Mr. Jonathan Rogers for his brave, compassionate assistance to Carol Glover. The last year has been a difficult one for race relations in our country, and the powerful symbolism of a young white man showing such great love and courage for an older African-American woman in need is an inspiration to us all and a true sign of progress as our multiracial community heals and evolves.

So, Mr. Rogers, thank you.

I really only have one question for Mr. Mills. But I would like to begin reading parts of two letters I received from constituents and also ask for unanimous consent that both letters be submitted for the record.

Mr. BEYER. The first is from Gary Matz, writing on behalf of himself and his wife Lynette. These are just excerpts.

"The very short answer is that we did not see any emergency assistance as we came out of the station. To go back, we were evacu-

ated off the train, walked along the catwalk back to the station. We were struck by how quiet the station was. No people except for those being evacuated from the train. We proceeded up the escalators. We were met by a single Metro official at the top of the escalators who was directing traffic outside.

"We exited the station and saw a bus and perhaps one or two fire trucks. We remember seeing very few, if any, people. I remember kind of shrugging my shoulders and telling Lynette, let's find a taxi and go home.

"I fully expected to be met by an organized team of people, medics or first responders or whatever. This was not the case. We did not see any organization, nor were we met by anyone. We simply came out to the street, surveyed the scene, noticing a few vehicles, and then decided just to go home."

Another letter came from Marc McKeigan about his son Paige McKeigan and one of his classmates, Joey Peterson. They are here today. Can you both just stand, just that were here.

Let me read: "Thousands of parents entrust the safety of their children to WMATA every day as they commute to and from schools. My son Paige and five of his Gonzaga classmates were on the second-to-last car of that fateful Metro train. You can imagine my concern when I received an unexpected text from them at 3:41 that day that simply said, I love you, Dad. Those boys thought they might die.

"Mercifully, the boys are OK, but they took it upon themselves to abandon the train. They determined which side of the train was farthest from the third rail and pulled the doors open. Using flashlights from their cell phones, they crept through the smokey tunnel to the platform at L'Enfant Plaza. Paige reported that when they got to the platform they saw a number of firemen standing there. No one asked the boys where they had come from or how they got off the train. When they got to the street, their faces were covered with soot and smoke, and no one approached them.

"The boys reported that after about 30 minutes of staying on the dark and smokey train, they decided to take matters into their own hands. I can at least partially understand the confusion in the tunnel, but why was there so little support for the passengers who made it off the train and back to the station? Where were the medical personnel, EMTs, fire support, even traffic cops?"

We had another constituent call us and tell us that he was put on a bus at the station to the hospital, that the bus had no police escort and took over an hour to get to GW Hospital. So we've had lots of attention on fans and cables and radios and alarms and evacuation protocols, but aren't we looking at massive failures of the simple emergency and medical response for the people who made it safely back to L'Enfant Station?

So, Chief Mills, I have great difficulty reconciling your account of all the first responders arriving with the personal accounts of the survivors. Chief?

Mr. MILLS. With that particular station, there are multiple exit points. The majority of the people we had exiting the station were at the 7th and D location near the HUD building. That's where we had set up our treatment and triage areas because that's where the largest contingent of people were coming out. There were other

exits at the Virginia Avenue station, that we initially had responders there, but they weren't receiving anybody. And to be able to have enough personnel to treat the large number of individuals that were coming out of the other entrances, we had to redeploy those resources to other locations. And I can't explain for, or I don't know where everybody exited the station because of the multiple exits for that station.

Mr. BEYER. One more question. Mr. Downey, has Metro made any plans to followup on the middle to long-term health impacts of the smoke inhalation on all the passengers? Some went to the hospital right away, but we know now about the toxic chemicals from the burned cables that were in the smoke. So what are we going to do about the possible continuing health concerns of those people that were on the train?

Mr. DOWNEY. I'm not aware of any, but I will get back to you on that.

Mr. DOWNEY. We do have as part of our protocol family assistance programs. When people have been injured on the system, we follow through with the families. But we need to check on that issue. I know it was an issue at the World Trade Center after 911. Conceivably it could be an issue here.

Mr. BEYER. Thank you, Mr. Chairman.

Mr. MEADOWS. I thank the gentleman.

I want to go ahead, we have a 911 call or recording. Could you go ahead and cue that up? And let's listen to that.

[Audio recording played.]

Mr. MEADOWS. I think you get the point. Congress really, there's a law in place that says that we had to have cell phone coverage in these tunnels. And it's been put off because of the 2009, you got a waiver from Congress. But yet here we are in 2015 and still no 911 call ability.

Mr. ROGERS, did you try to make a call or text to your family?

Mr. ROGERS. Yes. I did try to text my wife and it didn't work.

Mr. MEADOWS. So it wasn't successful?

Mr. ROGERS. No.

Mr. MEADOWS. So here we are in 2015, still, not only with this event but a major event, and, Mr. Downey, that's something that we're going to have to address.

Mr. DOWNEY. Could I respond on that?

Mr. MEADOWS. Sure.

Mr. DOWNEY. We welcomed Congress' action in asking that this be done. The next step was to get the communications carriers together, form a consortium to do the installation. They have been at it for a number of years. To date, all of the stations have been brought online. Cell service is available in the stations. It is not yet complete within the tunnels.

Within the last year or so, unfortunately, the consortium that they created to do this work went bankrupt, causing a considerable delay. The carriers are now working again to put a vehicle in place to deliver this. We'll make the tunnels available and the time available to make it happen. But it has been a long and complicated process.

Mr. MICA [presiding]. Maybe you can provide the committee with that timeframe.

Mr. DOWNEY. We will do that.

Mr. MICA. Ms. Norton, you are recognized.

Ms. NORTON. Thank you very much, Mr. Chairman.

I must say that the combination of the cell phone coverage and the chaos that Representative Beyer described above ground finally after people had been rescued is very troubling. And a lot needs to be fixed. But, nevertheless, I need to thank all of you for the service that you give, Mr. Downey without a penny of compensation.

I particularly have to thank Mr. Rogers. You weren't asked a lot of questions but your courage spoke for itself. I'm just pleased and proud to have you as a constituent of the District of Columbia.

The Glover family hangs over everything we do, this hearing, it's an inspiration and an impetus.

Mr. Downey, let me say that I take it that the fares are not going to be raised and that WMATA understands that this is no time to raise the fares. I say that understanding that that will put a burden on the jurisdictions. And I need to tell you that I'm trying to help because of a bill I'm introducing that would fix the irrational disparity because tax benefits available to those who drive and those who use Metro resulting in loss of ridership to Metro. But you do agree that the burden should not be on those who ride the trains, particularly after this accident?

Mr. DOWNEY. I certainly agree with you. We had a meeting of the Finance Committee of the board yesterday to discuss where we go with respect to balancing our budget.

Ms. NORTON. I thank you for that. Again, with limited time, I have to move on. I need to ask about best practices.

Mr. DOWNEY. But we certainly would like to find a way to do it without raising fares.

Ms. NORTON. So we will not be raising fares?

Mr. DOWNEY. I would hope we do not have to raise the fares.

Ms. NORTON. And I understand it takes a vote of the board?

Mr. DOWNEY. Yes.

Ms. NORTON. I suppose this is really for Mr. Hart. It's about best practices. We've heard, for example, that our firefighters have, indeed, gone to the tunnel or to the mock cars and the rest. Obviously they couldn't all go at one time. But I'm really wondering if it is enough. Whether or not firefighters from the region and Metro workers need to be exposed to real-time exercises in the tunnels so that they are not faced with going into a dark tunnel for the first time.

And I thank you, Mr. Mills. And I'll tell you, I have a bias because I am a great-granddaughter of a firefighter who went to the D.C. Fire Department in 1902. And I'll tell you, when firefighters go into a smoke-filled tunnel and they don't even know that the third rail is off, my hat is off to those fellows.

Ms. NORTON. But I need to know whether that's enough. I bet many of those may have gone to Landover, but I wonder if they had ever been into a tunnel and whether we need real-time exercises in tunnels, recognizing that the trains have to run, that we can't interfere with service, but real-time exercises in the tunnels across the region, not only in the District of Columbia, by firefighters and by WMATA workers. Would that be what would be best practices?

Mr. DOWNEY. One of our followup actions that we have already taken is to establish a schedule looking forward over the next 3 years to hold such drills in each physical part of the system and each jurisdiction.

Ms. NORTON. No, I'm asking Mr. Hart really about whether regionwide, because he's the expert on best practices, is it enough to have a mock tunnel? I'm glad about the mock tunnel and the mock cars, but I'm asking whether best practices wouldn't be to expose the firefighters and the WMATA workers to the tunnels.

Mr. HART. Thank you for the question. One of the issues we are looking in the investigation is the adequacy of the training. We will be looking at WMATA's existing training facility and we will be determining in the course of the investigation is that adequate or does it actually need on-scene training in various areas.

Ms. NORTON. That's what I'm asking for. And I thank you for looking at that.

I'd like to ask Ms. Jeter a question. First of all, I must say another hero in this is that conductor who told the people it is not a fire, who kept them calm. I don't know his name, but I'd like to put something in the congressional Record for him as well, as for Mr. Rogers, who performed, it seemed to me, as single individuals way above the cause of duty.

I'm very concerned about this issue of a call line. We learned in 2009 that the best practice in airlines and trains is to report safety problems. And apparently that's routinely done what was not done in WMATA. Now, Ms. Jeter has said, well, yes, there is a call line, but the people still feel retaliation by supervisors if they report a safety issue.

Mr. Hart, I need it know how the others are able do it so that people feel freely to say something happened in an airplane and you need to know this, and yet they feel that there will not be retaliation. Why in the world doesn't that work after the 2009 accident at WMATA?

Mr. HART. The success of the Near Miss Reporting System in aviation has been amazing, but we've certainly been exploring how to share that success with other modes. It has not been as easy in other modes and the biggest problem is the lack of confidence of the person reporting that their report will not be used against them.

Ms. NORTON. Well, Ms. Jeter, why do you people think it will be used against them? Has it been used against people?

Ms. JETER. Of course. And we do have a punitive system. So when your disciplinary system or your reporting system has a punitive result, that's what they go to.

Now, we have agreed to have a close call reporting system. That's one of the initiatives that the union and WMATA did enter into. But the scope of the reporting system is so small because of the people that can use it, but that still lacks the confidence or the trust that if I go to a nonpunitive or anonymous reporting system that somehow that WMATA's not going to know about it and I'm not going to get in trouble.

Mr. MICA. Thank you, Ms. Jeter.

And also thank you, Ms. Norton. We have gone a couple of minutes over on yours and they are calling the last vote here.

I want to thank all of our witnesses. What I'm going to do too, with agreement with the minority, we're going to leave the record open for 10 days for additional questions that may be submitted by members and ask you to respond.

Mr. MICA. Thank you so much. We can and we must do better. And appreciate your being part of this hearing today.

There being no further business, this joint subcommittee hearing is adjourned. Thank you.

[Whereupon, at 11:10 a.m., the subcommittees were adjourned.]

