

REVITALIZING WMATA: GETTING TO A CULTURE OF EXCELLENCE

HEARING

BEFORE THE
SUBCOMMITTEE ON GOVERNMENT OPERATIONS
OF THE
COMMITTEE ON OVERSIGHT AND
REFORM

HOUSE OF REPRESENTATIVES
ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

FEBRUARY 9, 2022

Serial No. 117-64

Printed for the use of the Committee on Oversight and Reform



Available at: govinfo.gov,
oversight.house.gov or
docs.house.gov

U.S. GOVERNMENT PUBLISHING OFFICE

46-903 PDF

WASHINGTON : 2022

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REVITALIZING WMATA: GETTING TO A CULTURE OF EXCELLENCE

Wednesday, February 9, 2022

HOUSE OF REPRESENTATIVES
COMMITTEE ON OVERSIGHT AND REFORM
SUBCOMMITTEE ON GOVERNMENT OPERATIONS
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:02 a.m., in room 2154, Rayburn House Office Building, and via Zoom; Hon. Gerald E. Connolly (chairman of the subcommittee) presiding.

Present: Representatives Connolly, Norton, Davis, Sarbanes, Raskin, Khanna, Porter, Brown of Ohio, Hice, Keller, Clyde, and LaTurner.

Also present: Representatives Hoyer, Beyer, Trone, Wexton, and Brown of Maryland.

Mr. CONNOLLY. Without objection, the chair is authorized to declare a recess to the committee at any time.

I want to welcome everyone to the hearing which seeks to revitalize the Washington Metro Area Transit Authority.

Before I begin my opening statement, I want to ask unanimous consent that my colleagues from the regional delegation—the Honorable Majority Leader, Mr. Hoyer, Don Beyer of Virginia, Anthony Brown of Maryland, Jennifer Wexton of Virginia, and David Trone of Maryland—be waived onto the subcommittee as participants, without objection.

Without objection, it is so ordered.

I will hold off on my opening statement in deference to the distinguished Majority Leader, Mr. Hoyer, who has joined us. Mr. Hoyer, any opening remarks you want to make.

Mr. HOYER. Thank you very much, Mr. Chairman. I want to welcome Mr. Wiedefeld and his colleagues and the chairman of the board to this hearing, and thank Chairman Connolly for holding this hearing. I will say as an aside, the Washington Metropolitan delegation and the Washington Metropolitan Area is extraordinarily fortunate to have somebody of Mr. Connolly's experience as a local leader in Virginia and a regional leader before he came to Congress. His position on this committee is a great advantage to all of us who care not only about the Washington Metropolitan Region but also our Federal employees, of which he is one of the great leaders. So thank you very much, Mr. Chairman, for allowing me to participate in this hearing.

I appreciate the opportunity to participate today and express what so many of my constituents in Maryland's 5th District are feeling when I say that Metro needs to do better. I think all of you

would say that, and you have been trying to make that happen, and I appreciate your efforts on that. WMATA has to do a better job making Metro safer and more reliable. You have been about that business, and obviously, as I told the manager, Mr. Wiedefeld, his successor will have to build on the efforts that he, and the board, and others have done to get us to a better place.

This pandemic has placed a great challenge on all of us, obviously from a fiscal standpoint, but also from a safety, and reliability, and confidence standpoint. All who live, work, and visit in our Nation's Capital and its surrounding communities ought to be able to rely on, we used to call it "America's Subway." I noticed my people who wrote this called it "America's Metro." But when I worked with Frank Wolf in getting the funding for Metro in the 80's, and we worked essentially hand-in-glove together as there were some challenges to whether the Federal Government would participate in helping to fund local Metro systems, we called it "America's Subway." And Bill Layman from Florida, who was the chairman of the Appropriations Subcommittee, called it "America's Subway," and we loved that because he was from Florida and he knew how central this was to every American who comes to the Washington Metropolitan Area to see their government in action and to participate in our democracy. We cannot and we will not give up on Metro.

The WMATA board will soon be selecting a new CEO and general manager at a time when Metro faces safety, reliability, and budgetary challenges. Again, the pandemic, in large measure, is responsible for that, but we have had safety measures pre-pandemic, and they continue to this day, as we have seen. The selection of the next general manager will have a lasting impact on Metro's future. The new general manager will need to establish a collaborative relationship with the workers and the unions representing them. He or she will also need to find solutions to the issues facing the 7,000 Series cars, which I am sure has been a great thorn to all of you in trying to deal with this.

The new general manager will need to work with the Safety Commission to restore the public's faith in Metro. Obviously, if they don't think our system is safe, and I am talking outside the context of the pandemic now, but safe in terms of the rail safety, they are not going to ride it, and so that is a critical component of our business model to make sure that they know it is not only clean and presentable but also safe for them. The new manager will also have to work with the Metro Transit Police Department to ensure that complaints are investigated and stations are safe. Whomever is selected will need to be open and honest with challenges facing Metro and willing to work to find solutions to these challenges. This may mean thinking outside the box to identify solutions that will improve Metro safety and reliability, which may not have been in place before this, and that is a challenge for all of us. As Lincoln said, "As our problems are new, we must think anew and act anew," and I think that is the case here, not only for our Metro system but for Metro systems throughout the country and throughout the world.

Congress has a critical role, obviously, to play in the future of Metro as well, and I want to thank the chairman for his ongoing

commitment to this effort. I really do mean this. I am not just gilding the lily here because Gerry Connolly is my friend. The fact that he has the depth of knowledge and experience that he has is extraordinarily fortuitous at a time when we face the kinds of challenges we do. And after coming to Congress, I worked across the aisle, as I said, with Frank Wolf.

The bipartisan Infrastructure Investment and Jobs Act that we just passed that was signed into law last year will ensure that Metro receives an annual contribution of \$150 million. We have gotten that, but we assured that that will continue through 2030, a critically important revenue stream for us to be able to rely on. When we need to ensure that there is proper investments in Metro, money alone, as we all know, won't solve the problem. It is absolutely essential, but it won't be the only solution. The next general manager and the WMATA board will need to take steps to restore trust for the public that Metro is moving in the right direction, that its leaders are focused on safety and improving the reliability of service. And I hope, Mr. Chairman, that today's hearing can help WMATA and Congress find a clear path forward in working together to build the trust and to take the steps needed to address this system's pressing needs.

Again, Mr. Chairman, I want to thank you. Ranking Member Hice, I want to thank you for taking the time. It is not necessarily in your region, but your constituents come here as they do from throughout the country, so this is, in that sense, America's Metro system, America's Subway. And that is why the Federal Government needs to pay attention to having not only a safe and reliable system, but one that is a model for the world. So I thank you, Mr. Chairman, for giving me this opportunity, and I yield back the balance of my time.

Mr. CONNOLLY. Thank you, Mr. Hoyer, and thank you for your gracious remarks. Thank you for always being a champion for America's Subway and being willing to tackle the tough issues, but in a thoughtful way that has allowed us to proceed in a progressive and thoughtful way. So I can't thank you enough on behalf of the whole region for your leadership and your commitment. And thank you so much for joining us this morning, and we are hoping that you will, in controlling the votes on the floor, allow us to complete this hearing without interruption. He is the guy.

[Laughter.]

Mr. CONNOLLY. The chair now recognizes himself for an opening statement.

This subcommittee has a long record of sustained oversight of the Washington Metropolitan Transit Authority. We found what plagues WMATA is a culture all too often of mediocrity. As the system has jumped from crisis to crisis, this culture has been a common theme: falsified track inspection reports, failure to document or investigate more than 3,000 criminal complaints from riders, and now a very difficult defect with 60 percent of the system's rail-car fleet allowed to languish for four years. Our hearing today, which I am leading a collaboration with my colleague, Eleanor Holmes Norton of the Transportation and Infrastructure Committee, will examine urgent safety priorities, structural reforms that advance system accountability, and the long-term challenges

facing WMATA and transit systems all across America. Our goal is to assist WMATA's leadership and overseers to get to a culture of excellence within the system that improves the safety and reliability of Metro.

I want to thank General Manager Paul Wiedefeld for his years of dedicated service to WMATA. Mr. Wiedefeld recently announced he will retire later this year. He took over WMATA at a time when all lights were blinking red, and the reality remains our region has a ways to go to restore confidence in Metro. Mr. Wiedefeld, however, has been willing to make tough decisions, and the improvements he undertook, including a system-wide Safe Track Project and securing dedicated funding for long-term capital investment, are going to help renew our aging transit system. The tough decisions for WMATA are not only in the rearview mirror. They are on the horizon as well, and I know Mr. Wiedefeld's testimony will explore that today.

The Federal Government has a strong stake in the future health of this metro system, our National Capital transit backbone. More than one-third of all Metrorail stations are located on Federal property serving Federal facilities, and during normal operations pre-pandemic, Federal employees represent 40 percent of Metrorail's peak period ridership. At the height of pandemic-related shutdowns, ridership for Metro was down as much as 90 percent, and transit budgets around the country were gutted. Congress extended a lifeline to transit in three branches of funding through the CARES Act—the Coronavirus Response and Relief Supplemental Appropriations Act—and the American Rescue plan. WMATA received more than \$2.4 billion in emergency Federal funding which allowed the system to close its operating deficit for three consecutive years and to avoid the draconian cutbacks that otherwise had been outlined as necessary.

The Infrastructure Investment and Jobs Act that Mr. Hoyer referenced, an historic and transformative bipartisan compromise to invest in the future of America and its competitiveness, will provide WMATA with additional support from \$80 to \$100 million in annual capital formula funding over the next five years. The bill also included the Metro Accountability and Investment Act, which I authored, and it was supported unanimously by the National Capital Region delegation. The bill reauthorized through 2030 the \$150 million in annual dedicated Federal capital funding for Metro that must be matched by D.C., Maryland, and Virginia. Importantly, the funding is conditioned upon WMATA implementing and maintaining critical reforms that strengthen the WMATA Office of Inspector General. The OIG is an essential institution for enforcing accountability within the system, and I welcome congressional action to enhance the independence and transparency of the OIG's work.

Congress has also helped create the Washington Metro Rail Safety Commission. Mr. Hoyer and I were in many meetings with the former Senator Mikulski to try to make this happen. The Safety Commission was certified and began operations in 2019 and has helped bring to light lapses in safety training and maintenance efforts, serious problems with the Rail Operations Control Center, and, most recently, a series of failed attempts to address a defect

with the wheelsets on 7000-series cars. The Safety Commission has also documented instances in which WMATA has refused to provide it with access to WMATA facilities, networks, and personnel. Congress provided the Safety Commission with sweeping authority to access the system of Metro for the conduct of its safety oversight mission, and anything less than cooperation and total transparency is inconsistent with both the letter and the spirit of the legislation we passed in creating the Safety Commission.

On October 12, a Metro train derailed in Northern Virginia. The incident is currently under investigation by the National Transportation Safety Board. The derailment was caused by defective wheelsets on the 7000-series rail cars, the system's newest. It was later discovered that WMATA was aware of the problem, not at the highest levels, but at other levels of the organization with the wheelsets since 2017 and failed to fully address the issues with the rail car manufacturer, and failed to inform higher-ups in the management chain of command, the board, and the Safety Commission, let alone Members of Congress. Folks lower down the chain of command defined the problem as a warranty problem with Kawasaki, the manufacturer, and treated it that way rather than understanding that this actually was a safety issue that put the riding public potentially at risk and should have been reported absolutely up the chain of command, and we are going to explore how and why that happened today.

Failure of WMATA, as Mr. Hoyer just said, is not an option. We need a successful, functioning WMATA that returns to a culture of excellence. I remember when Metro first opened. I was here. It was the pride and joy of the Nation's Capital. People who came in from Georgia and my home state of Massachusetts marveled at how clean and safe and friendly Metro was for riderships. It was on or around 1976. We were inundated with the Bicentennial with lots of people coming into town, and they loved the experience of riding on our Metro. We got to return to that, and that is really what we are all about, I think, in today's hearing.

With that, I welcome our witnesses, and I now call on my co-lead for this hearing, the distinguished Congresswoman from the District of Columbia, Eleanor Holmes Norton, for her opening remarks.

Ms. NORTON. Thank you very much. Can you hear me?

Mr. CONNOLLY. Yes, we can hear you. You might want to speak up just a little bit, Eleanor.

Ms. NORTON. All right. Can you hear me better now?

[No response.]

Ms. NORTON. I want to thank my good friend, Chairman Connolly, for holding this hearing and working closely with me on it. This subcommittee and the Committee on Transportation and Infrastructure Subcommittee on Highways and Transit, which I chair, share jurisdiction over Metro. Metro is essential for quality of life, equitable access to jobs and services, economic prosperity, the Federal Government, and reducing congestion and pollution in the District of Columbia and the National Capital Region. In order to retain the benefits of this public transportation network for individuals, families, businesses, and the Federal Government, we

must regularly evaluate Metro's funding operations, governance, and oversight.

Last year, widespread and longstanding Metrorail wheel alignment problems came to life following a frightening derailment and led to the suspension of more than half of the Metrorail fleet. We now know the Metro employees detected these problems years ago but apparently said nothing to general manager, the board of directors, or the Washington Metro Safety Commission. This is shocking. We need to learn why this information was not shared and what steps have been taken to ensure that such information would be shared in the future.

In the coming years, Metro will likely face significant financial strain as Federal COVID funding runs out. Like almost every aspect of American life, Metro's ridership and revenue have been heavily impacted by the pandemic. A mass shift to telework during the pandemic has created widespread interest among employers, including the Federal Government, in permanently expanding telework. As a result, many of Metro's former riders may not return or may use the system less frequently. An enduring reduction in ridership presents a risk to Metro's financial future. I am interested in how Metro plans to adapt.

I have always supported the special Federal funding the Metro receives for capital costs, and I remain committed to securing operational funding for Metro as well. Through the bipartisan infrastructure law, Congress reauthorized capital funding for Metro to Fiscal Year 2030, and I am grateful for that. Metro will receive \$150 million annually, which will be matched by funding from the District, Maryland, and Virginia. It will also receive enhanced formula funding for capital investments. The infrastructure law also strengthens Metro's inspector general. Our job now is to ensure these dollars and mandates improve regional travel and commutes.

I look forward to working with the subcommittee to support and hold Metro accountable, and I thank you, Mr. Chairman.

Mr. CONNOLLY. Thank you, Congresswoman Norton.

The chair now recognizes the distinguished ranking member of the subcommittee, Mr. Hice of Georgia, for his opening remarks.

Mr. HICE. Thank you very much, Chairman Connolly. I appreciate you holding this hearing. And, Leader Hoyer, it is an honor to have you here in the Gov Ops Subcommittee. We welcome you here, and you are welcome here any time. Each of our witnesses, likewise we thank you for appearing today. I look forward to our discussion.

From the beginning, as has already been recognized by my colleagues, Metro was envisioned to be different from other transit systems, due primarily because of its unique role in serving the Nation's Capital. Since 1960, Congress has passed legislation specific to the Washington Metro System to include legislation authorizing and appropriating grants for capital improvements. Frankly, these are grants that other transit systems do not get. Perhaps the main argument for such special treatment was that the Washington Metro was built to transport Federal workers to and from agencies each and every day, and I think this is pretty evident just from the construction itself. Stations are located in the vicinity of

Federal office buildings, and the entire system is designed to bring people to and from the center of the city.

But what happens when the Federal work force no longer goes to the workplace? As has already been mentioned, we are seeing that right now. With the Biden Administration's lenient telework policies, Federal workers won't be coming downtown anymore in anything like the numbers of the past, and nowhere near the amount needed to sustain the Metro system. Obviously there is a lot to discuss here today, everything from safety records, to poor service, to crime, to now D.C.'s vaccine mandates and its impact on ridership.

I guess at the end of the day, there are two primary questions that come to my mind. First, as I have already referenced, if the Federal work force is no longer reliant on the Metro, why should we consider the Metro a national asset rather than just a local subway or transit system? Second, once COVID relief funding runs out, how is Metro going to survive? Obviously there are a lot of other questions, but I think these are the two that jump off the page, if you will, at me primarily that I would like for us to discuss and hopefully get some answers to.

Overbearing COVID restrictions are not only dampening Metro ridership, but they are also damaging the city's economy and impacting the ability of Americans to visit the Nation's Capital. Vaccine passports are now required for anyone ages 12 and older to patronize restaurants, bars, gyms, and various other events here in D.C. This new and burdensome requirement means that local residents, school groups, and tourists who do not wish to disclose their vaccination status will no longer consider even coming to D.C., so there is not even the possibility of them riding Metro.

Crime is another deterrent. Around the U.S., we are all watching. Violent crime rates are up, and Metro is no different. While the specific number of criminal incidents may have declined, that would be expected with the plummeting ridership. At the same time, however, the rate of crime has gone up, in fact, nearly doubling when considering the proportion of crimes occurring per rider. But again, what would we expect from a system that has decriminalized those who avoid buying a ticket? This is pretty stunning to me. I have a hard time understanding the pay if you want to pay type approach.

Unfortunately, I could go on, and many of my colleagues have brought up other very valid points as well. There are far too many instances of waste, fraud, abuse, and mismanagement with the Washington Metro System to list in this opening statement, but we owe it to the American people to fully understand what the taxpayers are paying for. If WMATA cannot sustain itself as a reliable, safe transit system, and if there are no services for a special purpose, it should no longer be given special treatment.

In closing, again, I just want to say thank you once again to each of you for being here today, and we look forward to your testimony. With that, I yield back. Thank you.

Mr. CONNOLLY. Thank you, Mr. Hice, and obviously a number of the questions you have raised are questions we want to explore jointly in this hearing.

Let me introduce our witnesses. Our first witness today will be Paul Smedberg, my old firm, the city of Alexandria, the board chairman of the Washington Metropolitan Area Transit Authority. Next, we will hear from Paul Wiedefeld, the general manager of WMATA. Then we will hear from David Ditch, policy analyst of the Grover Herman Center of the Federal Budget at the Heritage Foundation. And then we have Jeffrey Cherrington, the inspector general of WMATA Office of Inspector General, and finally, Dr. David Mayer, the chief executive officer of the Washington Metro Rail Safety Commission.

If all of you would rise and raise your right hand, and, Mr. Ditch, if you could visibly raise your right hand to be sworn. It is the custom of this committee and our subcommittee to swear in our witnesses.

Do you swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

[A chorus of ayes.]

Mr. CONNOLLY. Let the record show that all of our witnesses have answered in the affirmative. Thank you.

Without objection, your written statements will be made a full part of the record.

And with that, Mr. Smedberg, you are recognized for your five-minute opening summary.

Mr. SMEDBERG. Thank you, Mr. Chairman.

Mr. CONNOLLY. Mr. Smedberg, you need to turn on your mic.

Mr. SMEDBERG. There we go.

STATEMENT OF PAUL C. SMEDBERG, BOARD CHAIR, BOARD OF DIRECTORS, WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

Mr. SMEDBERG. Good morning, Chairman Connolly, Ranking Member Hice, members of the committee, and members of the National Capital Region delegation. I'm Paul Smedberg, WMATA board chair and principal representing the Commonwealth of Virginia. I appreciate the opportunity to be here today to discuss what Metro is doing to address several challenges we have experienced over the past year, and to also highlight the improvements we are making as we work to ensure that Metro's multi-modal system provides safe, equitable, reliable, and cost-effective service throughout the region.

First, I want to thank you for the tremendous support you have shown Metro. Now, the COVID-19 pandemic brought unprecedented challenges to Metro and other transit systems across the country, including diminished ridership, fare revenue, and employees impacted by COVID infections and quarantines. Metro has also worked to advance a contactless experience improving real-time information and has offered a variety of services for fare changes to help bring back riders, including options such a flat \$2 fare on the weekends and late night, free transfers between bus and rail, and discounted passes.

I could not be prouder of Metro employees. Throughout the pandemic, they have continued to provide safe and reliable service for the region's essential workers. Despite massive challenges, we have

done our best to keep service reliable for our customers. None of this would've been possible without the Federal COVID relief funding to support our operations. Thank you again for this critical funding.

Metro's board is required to pass a balanced budget each year. Within the COVID relief funding Congress provided, Metro has been able to cover budget gaps that prevented employee layoffs and have also helped us to avoid draconian service cuts or fare increases. I also want to extend my gratitude for the \$150 million in annual funding that Congress has provided to Metro since the Passenger Rail Investment and Improvement Act, or PRIIA, was authorized in 2008. These sustained investments in Metro railcars, rail system, and structures, station, and passenger facilities have greatly improved the reliability of the system.

The PRIIA reauthorization passed in 2021 recognized the importance of a strong, independent Office of the Inspector General and requires the board of directors to pass a resolution adopting certain reforms for the OIG as a condition of funding. The board passed the required resolution on December 9, 2021. However, I would like to note that even before the PRIIA authorization was passed, the board had already implemented many of the requested reforms, including providing the OIG with its own legal counsel, separate office space, increased budget, and more staff. And under existing WMATA OIG policy, the OIG has access to all WMATA records, and employees are required to fully cooperate with the OIG. As mentioned, the board increased the OIG's budget from approximately \$5 million in Fiscal Year 2018 to \$10.3 million in Fiscal Year 2022.

During my tenure as chair, the board has also made significant improvements in engaging customers and stakeholders in our decision-making process and providing transparency, and metrics, and data. As a result of these efforts, the public feedback received in relation to last year's budget and other Metro issues represented the highest level of participation in the past 10 years. In addition, I would like to highlight a couple of these areas of focus. No. 1 is obviously safety: the 7000-series. The board received frequent updates from the chief safety officer regarding the 7000-series cars. Also, we are pleased with progress Metro is making to implement new safety management systems approaches which reinforces safety at all levels of the organization. I also worked to improve and establish a more direct line of communication between myself and the chairman of the Metropolitan Washington Safety Commission by participating in various meetings between WMATA and the Safety Commission.

In regard to equity and sustainability, over the last couple years, the board has focused on equity and sustainability, delivering equitable service to diverse communities across the region as part of Metro's mission and is essential to achieving Metro's vision for becoming the regional employer and transit provider of choice. We adopted a framework for transit equity. We also adopted a sustainability vision principles, and Metro access and paratransit have also been top of mind for us.

And in conclusion, as you said, Mr. Chair, if I could go on just a few seconds here. As you know, our general manager and CEO,

Paul Wiedefeld, has announced his retirement in six months. Paul has served Metro as Metro's general manager since 2015, and he has faced numerous challenges as he walked in the door. Paul was the right person for the job, and we appreciate the extraordinary contributions, particularly rebuilding the rail system through the Safe Track Program, advocating for dedicated capital funding, and developing one of the Nation's largest capital programs to help reach and maintain a state of good repair. The board is conducting a national search for his replacement, and we anticipate and expect a smooth transition to the next general manager. We will discuss the session planning publicly at the board meeting on February 10.

Thank you, Mr. Chairman.

Mr. CONNOLLY. Thank you so much, Mr. Smedberg. And, of course, you referenced the OIG, and I think it is important to note that by essentially adopting our Capital Region Metro bill in the infrastructure bill, first of all, the power of the OIG is now codified in law, and the relationship between the OIG and Metro is now codified in law. So it is a new kind of relationship, although hopefully building on the one cooperatively that already existed.

The general manager, Mr. Wiedefeld, is recognized for his five-minute opening summary. Mr. Wiedefeld, welcome.

**STATEMENT OF PAUL J. WIEDEFELD, GENERAL MANAGER,
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY**

Mr. WIEDEFELD. Good morning, Chairman Connolly, Chair Norton, Ranking Member Hice, and members of the committee. I also want to acknowledge the members of our regional delegation.

Let me begin by saying thank you, first, for the COVID relief operating funding that has allowed us to serve the mobility needs of the region as well as keeping 13,000 WMATA employees working. And thank you for the infrastructure bill, including the PRIIA reauthorization, enabling us to make progress on the state of good repair backlog. I have submitted my detailed written testimony for the record, so I will keep my comments brief regarding the five topics of interest to the committee, namely COVID's impact on Metro, the 7000-series railcar update, capital program progress, MSC and OIG oversight, and the future of Metro.

Regarding COVID, keeping our employees and riders safe has been our top priority. All employees are required to either vaccinate or test weekly. As a result, we have a 97-percent compliance rate. We have instituted extensive cleaning protocols on all facilities and vehicles and have improved air filtration systems. But like other transit systems, we have had a significant drop in ridership and fare revenues. Today, rail ridership is just under 30 percent of pre-COVID, pre-pandemic levels, and bus ridership is about 40 percent below pre-pandemic levels. A large portion of the ridership loss is the decline of Metrorail peak hour trips, including Federal employees, which, pre-COVID, made up 40 percent of peak commute trips. This decline of Metrorail ridership has a significant impact on the revenues since these passengers generate the largest share of revenues to Metro.

Turning to the 7000-series, safety of our customers and employees is a core value at Metro, and we are working closely with the WMSC, the NTSB, and the FTA to identify a path forward to

bringing back the 7000-series trains. To this end, on January 13, the 7000-series trains were taken out of service for a minimum of 90 days. This action was taken to focus on identifying the root cause of the problem and to develop measures to address the root cause. And let me just add, I understand the inconvenience caused to our customers and to thank them for their continued patience as we work to increase the service as quickly as we can, as safely as we can.

Turning to the capital budget, six years ago, our capital budget was \$1 billion, but we only delivered 64 percent of that budget. The team focused on improving accountability, and the following year 84 percent of the budget was delivered. And the next four years, approximately 99 percent of the budget was delivered. During this same period, the Annual Capital Program delivered nearly tripled. This has allowed us to reduce the state of good repair backlog. In 2016, we had a backlog of \$7.1 billion. By 2027, that backlog will total \$3.2 billion, reduced by more than half. These funds are being used for projects such as repairing our tracks, rebuilding our stations, and building new electric bus facilities. It is also worth noting we will also be expanding the rail system later this year with the opening the Silver Line Phase 2 and the Potomac Yard Station. And all of this investment has had significant added benefit of creating thousands of jobs at a time when they are needed the most.

Regarding the WMATA oversight, I view the oversight of the OIG and the WMSC as critical to our future success. The OIG's and WMSC's audits and investigations have resulted in safety, operational, and financial improvements, and we are committed to implementing the correction action plans approved by these oversight bodies in a timely manner.

Finally, regarding the future of Metro, I believe this is a pivotal moment for Metro to address the critical questions that will determine the future of the system in the region. I don't believe the pre-pandemic financial model for Metro is sustainable, but I do believe it is the ideal time for the region to create a vision for the future of the system, one that recognizes the change in travel patterns, supports economic growth and environmental quality, meets the needs of the entire community, including addressing equity-related issues, one that optimizes the use of new and emerging technologies, and, above all, one that is developed with a wide range of stakeholders the system serves.

Mr. Chairman, that concludes my comments, and I look forward to further discussion during the hearing on these and other issues of interest to the committee.

Mr. CONNOLLY. Thank you, Mr. Wiedefeld.

Mr. Hoyer, thank you and buy as much time as you can. Mr. Hoyer?

Mr. HOYER. Mr. Chairman, thank you very much. I want to thank both the chair and the general manager. I have had an opportunity to work with the general manager, and I agree with Mr. Smedberg. He has been an absolutely excellent leader of a system that has been facing extraordinary challenges, not only from the immediate pandemic, but also from the age of the system. It was, as Mr. Hice said, a beautiful system. I started to work on this system with Carlton Sickles in the 1960's, who was, in many ways,

the father of Metro, along with a number of other people. But I want to thank you, as you are now leaving us and getting a deserved respite, for your service, Mr. Smedberg. And I want to thank you and the other members of the board for your service.

It is a great system. It is an absolutely essential system for the American people in our region, in the country, and for the people, as Mr. Hice pointed out, who work in the central city but live in the suburbs, and it is incumbent upon all of us to work together to make it viable. So thank you very much. Thanks, Paul.

Mr. WIEDEFELD. Thank you.

Mr. CONNOLLY. Thank you again, Mr. Hoyer, and thank you for your ongoing commitment and support to the Nation's Subway.

Mr. Ditch, you are recognized for your five-minute statement.

**STATEMENT OF DAVID DITCH, POLICY ANALYST, THE
HERITAGE FOUNDATION**

Mr. DITCH. Good morning, and thank you for the opportunity to testify. The views that I express in my testimony are my own and should not be construed as representing any official position of The Heritage Foundation.

The public provides trillions of hard-earned dollars every year to government agencies for the sake of providing public services, and elected officials are obligated to hold these agencies accountable for how they perform. Unfortunately, accountability is not one of the hallmarks of the Washington Metro Area Transit Authority. Chairman Connolly has referred to a culture of mediocrity in the Agency. As a daily Metrorail rider myself, that is a charitable assessment.

While the D.C. Metro Area population grew by 12 percent between 2010 and 2019, WMATA ridership has been declining for years. Metrorail experienced a 14-percent drop between 2010 and 2019, followed by a complete ridership collapse during the pandemic. While we can hope for a return to normalcy as the latest COVID-19 wave recedes, there is no guarantee that ridership will ever again reach 2019 levels, let alone 2010 levels. We have also witnessed an astonishing record of failure and dysfunction from WMATA over just the last 13 years, including a train collision that killed nine people in 2009; the death of a passenger and hospitalization of dozens more in 2015 due to smoke caused by electrical arcing; the derailment caused by the 7000-series wheelset problem that WMATA employees became aware of in 2017 but did not disclose, after the Agency had spent \$1.5 billion buying the newest railcars; and prolonged substandard maintenance that required the 2016 Safe Track Initiative, which caused massive service disruptions and a permanent loss of rail ridership.

I have personally experienced this dysfunction, such as smoke-filled stations and service delays causing dangerous overcrowding. Just this morning, I had to sprint to make a train because the next one was 15 minutes behind, followed by a lengthy service delay when transferring at Metro Center. I watched firsthand as the construction of a bike shelter at East Falls Church Station stretched over five years at a cost of millions of dollars.

This hearing asks why such mistakes keep happening. I believe the answer is clear. Unlike a business which must prioritize the needs of its customers to survive, WMATA reaps financial benefits

regardless of how poorly it serves the public. As of 2019, subsidies represented 71 percent of WMATA funding, while fares, parking, and advertisements represented just 29 percent. Those numbers are even further skewed today. Joe Biden famously said, “Don’t tell me what you value. Show me your budget and I will tell you what you value.” WMATA’s budgets tell us that the Agency values two things: expensive capital projects and excessive compensation for its work force.

WMATA’s customers would be better off with a budget that prioritizes increased bus and rail service rather than palatial bike racks and labor costs that average over \$144,000 per WMATA employee, which is over twice the regional average for transportation sector workers. Meanwhile, a sustained increase in telework will reduce the volume of daily commuters. Restrictions on development in the region’s core mean the area is unlikely to ever reach the levels of density that facilitate a high-cost transit system. Recognizing this reality, legislators should push for changes, such as reining in excessive labor costs, focusing resources on maintenance and service frequency while reducing expensive expansion plans, and examining the potential of privatizing some or all of WMATA’s operations. However, even these reforms might not be enough.

The governments responsible for managing WMATA should recognize that endlessly throwing good money after bad is neither an equitable nor a sustainable long-term solution. If WMATA is incapable of providing a level of public service that even comes close to matching these astronomical costs, officials must be willing to make tough choices about the Agency’s future.

Thank you.

Mr. CONNOLLY. Thank you, Mr. Ditch.

Mr. Cherrington, you are recognized for your five-minute summary.

STATEMENT OF GEOFFREY CHERRINGTON, INSPECTOR GENERAL, WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

Mr. CHERRINGTON. Good morning. Chairman Connolly, Ranking Member Hice, and distinguished members of the delegation and subcommittee, thank you for inviting me to appear today in connection with this important subject. Thank you also, Mr. Chairman, for the tireless support you and your staff have provided to the mission of the Office of Inspector General for WMATA. Your efforts, supported by many other members, whom I also acknowledge and thank, recently resulted in the passage of the important provisions on OIG independence that were included in the Infrastructure Investment and Jobs Act of 2021.

The Act requires WMATA to adopt important reforms that will strengthen the effectiveness and independence of the OIG. As a condition of funding for WMATA, the act requires the board of directors to adopt specific reforms to the IG’s authorities. I would like to note that with the support of the board of directors and the cooperation of the general manager, the OIG has been able to institute many of the measures and others to make the OIG more independent. These measures, however, needed to be codified into law, which SAC did. Those include greater independence in the annual

budget request and approval process, improved procurement authority, greater independence in selecting and appointing OIG officers and employees, assurance that the OIG obtains legal counsel from a counsel reporting directly to the IG, and specified OIG reporting requirements and measures to assure the public dissemination of OIG reports. On a summer night in 2021, the board of directors passed a resolution adopting and directing staff to implement the reforms set out in the act.

Mr. Chairman, as you know, WMATA's Blue Line suffered a serious derailment on October 12, 2021. After the derailment, it was discovered that some of the wheels had moved outward from their mounted position on the axle on several rail cars. On November 5, 2021, you sent me a letter requesting my office to review the circumstances of WMATA's apparent failure to report a history of defective wheelsets on the Kawasaki 7000-series railcars to the Washington Metro Rail Safety Commission. I would like to note that the National Transportation Safety Board is in charge of determining the root cause of the derailment, and we have collaborated and cooperated with them on this investigation. Our preliminary findings focus on the communication within WMATA and between WMATA and the WMSC, and are not intended to determine the root cause. While we are not yet able to issue our final conclusions and recommendations, I can report certain preliminary findings based on work done to date.

OIG has found no evidence so far that WMATA intentionally withheld information from WMSC regarding the loose wheel conditions affecting 7000-series railcars. Nevertheless, increased frequency of back-to-back failures year-over-year should've raised concerns beyond the chief mechanical officer. WMATA managed wheelset defects as warning claims, not as safety hazards or safety concerns. WMATA's warranty processes were disconnected from safety certification processes. Kawasaki did not provide failure analysis reports upon learning of failures in the wheelsets. OIG is still examining the reasons for this.

Working relationships and communications between WMATA and WMSC defining program standards need improvement. The Federal Transit Administration Office of Safety Oversight's role in monitoring WMATA and WMSC safety programs will be even more critical in improving collaboration between the two agencies and the effectiveness of their safety efforts, and WMATA's safety practices are undergoing major changes, providing opportunities to improve safety culture at the agency. My office will be happy to provide the subcommittee with a final report upon completion of our work.

Thank you, Mr. Chairman and Ranking Member Hice. I will be happy to answer your questions.

Mr. CONNOLLY. Thank you so much, Mr. Cherrington, and great job not using all of your time. Thank you so much.

Dr. Mayer, you are recognized for your five-minute summary. Welcome.

STATEMENT OF DAVID L. MAYER, PH.D., CHIEF EXECUTIVE OFFICER, WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

Mr. MAYER. Thank you. Good morning, Chairman Connolly, Ranking Member Hice, and the other members who are with us today.

The WMSC is the independent state safety oversight agency for the WMATA Metrorail system. We are guided by Chair Christopher Hart and our other commissioners in accordance with our interstate compact that was approved by Congress in 2017. We conduct safety oversight throughout Metrorail, but we are here today primarily about the 7000-series railcars. As of today, all of these railcars are being kept out of passenger service until Metrorail develops and implements a return-to-service plan per our orders.

On October 12, our team responded to the derailment between Rosslyn and Arlington Cemetery stations. The NTSB is leading that investigation, and we are actively participating. On the axle that derailed, the wheels had moved outward. Metrorail conducted special inspections after the derailment that identified 20 other 7000-series railcars with wheels too far apart, and Metrorail told us for the first time that routine inspections in the 12 months leading up to the derailment found 21 instances of wheels too far apart. Metrorail also said that it had also found similar failures dating back to 2017. These inspection failures were not disclosed as part of our railcar audit conducted just prior to the derailment, and Metrorail did not communicate this to us during many of our other regular interactions.

On October 17, after Metrorail said it had removed from service all the railcars that had failed special inspections, our independent oversight identified that Metrorail had at least two of these failed railcars carrying passengers. We then ordered Metrorail to remove all 7000-series cars from passenger service until they developed and implemented a plan under our oversight to return each car safely to service. Metrorail collected and analyzed data, and provided that data and other information in meetings and written submissions to us to support its return to service plan.

On December 14, we communicated to Metrorail that we had no technical objections to their plan. We reminded WMATA of the requirements to follow the plan and to keep us apprised of any deviations. On December 17, Metrorail began returning 7000-series railcars to passenger service. On December 29, again, using our direct access to Metrorail systems, we identified that Metrorail had put at least five railcars into service that did not comply with its plan. These cars have been measured as having a difference from their last inspection of at least a 32d of an inch. Metrorail's plan specified that a technician could only mark a car's passing if they had not detected wheel movement. We notified Metrorail that it had cars carrying passengers that did not comply with its safety plan, and Metro again removed all 7000-series cars from passenger service. Later that day, we issued an order keeping all 7000-series cars out of passenger service until WMATA provides a revised return-to-service plan with additional protections.

Our further investigation found that Metrorail had, without any communication with the WMSC, revised a measurement procedure

in its plan. This revision allowed a measured wheel movement of a 32nd-of-an-inch to be marked as passing, contrary to Metrorail's plan that was accepted by the WMSC. We look forward to Metrorail developing a new return-to-service plan. It is up to Metrorail to determine the time needed to do this. Meanwhile, investigative work continues on the cause of the wheel movement on the axles, this work may help inform Metrorail's new plan. When that new plan is in place, we will closely monitor its implementation as we did for the prior plan.

In closing, the WMSC compact created a strong safety oversight agency. We approach our safety oversight work in a collaborative and transparent manner. We continually communicate with staff at all levels of Metrorail, and our website, *WMSC.gov*, now contains 145 safety event investigation reports, more than 370 inspection reports, and nine comprehensive safety audit reports. We use our enforcement authority when necessary, and we conduct oversight using our direct access to WMATA systems as provided in our compact. Our oversight has led to tangible safety improvements for Metrorail. For instance, our focus on deficiencies in the rail operations control center has led to new management in that facility and an increase in the number of certified rail controllers, and our station inspections have resulted in Metrorail coordinating across departments to repair fire life safety equipment.

There is additional information in my written testimony, and I look forward to any questions that you may have.

Mr. CONNOLLY. Thank you so much, Dr. Mayer.

We are now going to go into member questioning, and my good friend and colleague, Ms. Norton, has graciously agreed to defer her line of questioning until she takes over the gavel when votes are called, and I really appreciate that, Ms. Norton. Thank you on behalf of the subcommittee and our colleagues. Therefore, the chair now recognizes the distinguished gentleman from Illinois, Mr. Davis, for his five minutes of questioning. Welcome, Mr. Davis.

Mr. DAVIS. Thank you very much, Mr. Chairman. As our majority leader suggested or indicated, WMATA is actually the public transit system for not only the region but also for the Nation because of the fact that so many people come in and out of Washington, DC. for various things. The Infrastructure Investment and Jobs Act included reauthorization through 2030 of the Federal Government's dedicated annual capital contribution to Metro. The reauthorization conditioned the Federal funding on several reforms to strengthen the WMATA Office of Inspector General, including providing the OIG with independent procurement authority, hiring authority, and legal counsel, as well as implementing certain transparency measures to ensure OIG products are made available to the public.

Mr. Cherrington, you originally wrote to Congress asking for these reforms, and the National Capital Region congressional delegation responded by including those authorities in the Metro Accountability and Investment Act. To Mr. Wiedefeld and the board's credit, they responded to that show of congressional support by working to administratively implement some of these reforms, even prior to the enactment. Mr. Cherrington, could you please explain why you felt you needed this enhanced level of independence? For

example, what are some of the concerns you have about the integrity of your mission without access to independent legal counsel, hiring authority, or procurement authority?

Mr. CHERRINGTON. Yes, sir. Thank you. One of the biggest reasons an OIG should have all the independence necessary to conduct a mission is because working for the board of directors, like the general manager does, prior to getting a lot of these independence measures, which I might add is what the chairman, Mr. Smedberg, said, many of them were instituted before and are now codified into law, and we very much appreciate that. One of the biggest reasons is, it is difficult to have oversight over the general manager when the general manager controls budget and when I am getting legal advice from counsel that the job is, rightfully so, to protect the authority.

Also, procurement authority so that we can procure items on our own, of course, following all the rules and regulations of the compact, but so we could procure those items on our own in use for stronger oversight. We think that in order to protect the taxpayer, we need to be as independent as possible so that we can provide unbiased reports, audits, investigations, evaluations, and inspections, again, to protect the taxpayer from fraud, waste, and abuse, and to be able to hire our own staff so that I can get legal advice from my own counsel. We can procure our items. That way we can better report out to the Congress, to the board of directors, and help the general manager implement actions taken on our audits and investigations that further strengthen safety, accountability, and efficiency over the transportation agency.

Mr. DAVIS. Thank you very much. Let me ask you, Mr. Wiedefeld, what will you share with your successor in terms of your recommendations how to work as effectively as possible with the OIG?

Mr. WIEDEFELD. Thank you, Congressman. I believe we have established a very good working relationship between the OIG and myself. It is one of transparency. The OIG works directly for the board, not for the GM. I am very clear on that. And I think the new GM needs to understand that very clearly as well and respect and value what they bring to the table, which is making sure that things are being done efficiently, and that if there are any wrongdoings, that they are investigated and taken to their natural conclusion.

Mr. DAVIS. Thank you very much, and congratulations on a very excellent career.

Mr. WIEDEFELD. Thank you.

Mr. DAVIS. And as you ride into the sunset, enjoy your retirement.

Mr. WIEDEFELD. Thank you.

Mr. DAVIS. I yield back, Mr. Chairman.

Mr. CONNOLLY. Thank you, Mr. Davis.

The chair recognizes the distinguished ranking member, Mr. Hice, for his five minutes of questions.

Mr. HICE. Thank you, Mr. Chairman, and Mr. Wiedefeld, I likewise congratulate you on your forthcoming retirement.

Have you or anyone else assessed the upcoming impact, frankly, that the Biden administration's telework policy is going to have on

Metro? How are you possibly going to fill the likely permanent decrease in ridership?

Mr. WIEDEFELD. Yes, we have looked at it. And right now, as you mentioned, you know, 40 percent roughly, pre-pandemic, 40 percent of our peak hour travel service was Federal employees. And I think it is important to remember that it is all Federal employees. So one of our biggest stops is the Pentagon, where we are moving roughly 16,000 passengers a day to the Pentagon.

So yes, the role of the Federal Government in terms of people coming to work has gone down, but the people that still do use it are very important. I think we still need to serve that, particularly in the military and the defense industry. I think that is very important.

But it will have an impact going forward, and that is one of the reasons I mentioned earlier that the financial model will be under tremendous stress, because it is not only the Federal work force but, by and large, we have a system that charges more at peak periods and charges for longer distance. And those are the trips that we see moving away from us. Now will they come back? No one knows, of course. But will they come back to the scale that we were? I doubt it, to be frank.

As a region we need to rethink what we want the system to be, but it does more than just serve those trips. It serves the entire community all day. We have seen that during the pandemic. It plays a central role in moving those people that make the community work, right, so that is very valuable, and we need to support that. And there is tremendous opportunities going forward as the world evolves, as travel patterns evolve. We can adjust to that. We have to be creative. We need to think out of the box to do that.

So I am not pessimistic about it, but I think it has got to be realized, recognized, and address.

Mr. HICE. If I may, let me go down that path with you just a little bit more. Obviously, there is a financial model that has to be adjusted here, but there is an operational model likewise, that has to be adjusted. And more than just kind of 30,000-foot answers here, what kind of operational changes are going to need to take place to accommodate the decrease in ridership?

Mr. WIEDEFELD. I think we will have to look at the system as a whole, meaning rail and bus. I think we will have to look at the different travel headways, the distance between trains, between buses, where we serve those different markets. And so the long-distance trip may not be the primary trip any longer but there may be much shorter trips that are made. The Silver Line is a good example of that, where you see the development pattern happening out there. We could see an increase, a significant increase in the types of trips that are much shorter. They may not be coming to the core of the city but they will be there.

So how do we operationalize that? Maybe run different trains to different cycles to deal with that type of trip, and we could think of the entire system that way.

So again, I think we have got to keep a very open mind going forward to this and look at all the tools. I also think there are opportunities to work closer with the new technologies, whether it's Uber, Lyft, or things like that, where we can't serve certain trips

very well but we can serve other trips better. Let us focus on the ones we can do better and let other entities do that.

Mr. HICE. OK. All right, Mr. Ditch, let me go to you real quickly. You mentioned in your testimony how there really isn't the density in this area to justify a system like Metro, and this certainly isn't getting any better with, things like Dulles Airport and the population growth in areas like that. But the system is here. It is what it is. So what can we really do about it at this point?

Mr. DITCH. First, when you are in a hole, stop digging. Past spending on transit infrastructure is not a justification for ignoring high costs and limited benefits or adding even more high-cost infrastructure on top of what we already have. The local governments should rein in the high cost of operating the transit system and consider fundamental changes such as privatizing existing assets or perhaps shifting resources away from rail service toward buses, since buses share road infrastructure and are thus more economical.

Mr. HICE. OK. Thank you very much. Mr. Chairman, I yield back.

Mr. CONNOLLY. Thank you. Before I call on Mr. Raskin I would just say I have a lot of experience in looking at the issue of density, Mr. Ditch, and I also have a lot of experience with looking at bus rapid transit, all of which we experimented with before we decided to go ahead with the investment in the Silver Line. And my friend, Republican member, Frank Wolf, was a big champion of let's go the bus rapid transit route.

And what we discovered was we couldn't easily convert the investments there into an actual rail system, and the ridership was one-third or less of trains. And that if we are going to make the investment that is the investment we had to make. And the big example everybody used at that time was in Brazil, and ironically what was Brazil doing as we were looking at their system? Converting to rail.

With respect to density, I represent Tysons Corner. When we built the Silver Line, through Tysons, we have 17,000 people who live in Tysons, a physical area bigger than downtown Boston. Because of the advent of rail there will be 100,000 additional residents to Tysons. The density, in some cases, is dependent, actually, on the investment of rail, and I believe Tysons is a great example of a potential success story.

The chair now recognizes the gentleman from Maryland, Mr. Raskin, for five minutes.

Mr. RASKIN. Mr. Chairman, thank you for calling this important hearing and for your continuing leadership on a strong Metro. I also was here when Metro was first created. I was in high school, and it was an absolute life-changer for me. It opened up the whole area, D.C. and Maryland and Virginia. I could go anywhere. I had my first date on the Metro. I went to the prom on the Metro. And for me it is the nerve system of our region, and so we have got to struggle through these hard times and make sure we are adapting for the new times we are in.

Some of the things that have befallen WMATA are out of its control, like COVID-19. But some of them are very much within its control, like safety. Safety is obviously an essential issue for rider-

ship. I mean, people want it to be beautiful, people want it to be on time, but people are not going to ride it if it is not safe.

The Safety Commission in WMATA's Office of the Chief Mechanical Officer, met dozens of times in the year leading up to the October derailment of the 7000-series railcars, and the purpose of those meetings was to discuss safety issues with railcars. But not once during any of these meetings was the information about the 7000-series railcar wheelsets shared with the Safety Commission, which we set up precisely for the purposes of being on top of safety problems.

At the request of Chairman Connolly, the OIG investigated the circumstances regarding this failure to disclose the railcar defects to the Safety Commission. The OIG has reached a preliminary conclusion that information was not deliberately withheld, not intentionally withheld, but that it ought to have been shared with the Safety Commission but it was not.

Mr. Cherrington, if it was not deliberately withheld how did the matter languish for four years and why wasn't it coming to the attention of the Safety Commission?

Mr. CHERRINGTON. Thank you, Congressman. The chief mechanical officer had two avenues that he could have reported this. He decided to report it as a warranty issue. He could have done both. Based on the evidence that we developed there were issues with wheelsets in the legacy systems. They were treated as warranty issues, and those issues were mitigated. He felt that they could be mitigated again with a warranty issue, and didn't decide to run it up the chain of command. We think he should have.

Mr. RASKIN. But that was going on for several years?

Mr. CHERRINGTON. Yes, sir.

Mr. RASKIN. I mean, that is like if I have got, you know, an oven that is not working and is a fire danger for the house, and I just report it to the oven manufacturer, or start writing them, and I don't tell anybody in the house that the oven is a danger to life and limb, right?

Mr. CHERRINGTON. Yes, sir. There were two incidents in 2017, and then 29 additional, up to the point of 2021.

Mr. RASKIN. OK.

Mr. CHERRINGTON. I am sorry.

Mr. RASKIN. Forgive me. I am running out of time. I wanted to ask Mr. Wiedefeld and Mr. Smedberg then, was this then just a personnel problem? Was it just a mistake of one person? And how can we prevent individual mistakes like that from causing, you know, major safety issues for lots of people?

Mr. WIEDEFELD. Thank you, Congressman. I do want to put a little bit of context. So in 1917, I believe there were two reported cases of wear movements. That is out of 3,000 wheelsets. So from that person's perspective, again, they felt that it was a warranty issue they had dealt with this in similar issues in the past and dealt with it and mitigated as a warranty issue. But that is not acceptable.

So what we need to do is create, in effect, anything that we feel has a safety component that we then monitor, meaning not just the mechanical people or any other operations people, whether it is bus or rail, that basically that then is flagged up the food chain, both

in terms of on the management side but also with the MSC and with our safety office, and with our internal quality control office.

So that is what we are creating, in effect, moving a lot of things from the paper side to a digital side so that, in effect, we can monitor this live and do that on a number of other issues that could potentially have safety-related issues. So we need to find those.

Mr. RASKIN. But it wasn't the only communications failure between WMATA and the Safety Commission. Dr. Mayer, can you talk about what prompted the commission order on December 29 of last year to remove all 7000-series railcars from passenger service for the second time in three months?

Mr. CONNOLLY. The gentleman's time has expired, but Dr. Mayer may respond.

Mr. MAYER. I will respond briefly and very specifically. We issued our order on December 29 as a direct response to using our oversight capabilities when we discovered that Metrorail had placed at least five cars back into passenger service that did not comport with the return-to-service plan that we had previously accepted. Consequently, we felt it was necessary to issue our order to back up Metro's leadership decision to take the trains out of service at that time.

Mr. RASKIN. Thank you, Mr. Chairman.

Mr. CONNOLLY. Thank you, Mr. Raskin. And can I just clarify something you were asking about, Mr. Raskin?

Mr. WIEDEFELD and I think Mr. Cherrington, back in 1917 they found two examples and treated it as a warranty issue. They went back to the manufacturer, Kawasaki, and said, hey, you have got a problem here.

But it is a little misleading to say only two because they did not, at that time, take advantage of the opportunity to look at other series 7000 cars to see how widespread is this problem. Is that correct?

Mr. WIEDEFELD. Not totally. We were doing every 90 days inspection of all wheels on all the 7000's, so that was the protocol. And during that process, during that year, in one of those intervals they flagged one of these wheels that was out of alignment. They said, "Look, this is a brand-new car. We want a new wheel." And that is basically how it played out in 1917.

Mr. CONNOLLY. OK. I don't want to impose at this time.

The gentleman from Pennsylvania, Mr. Keller, is recognized for his five minutes of questions.

Mr. KELLER. Thank you, Mr. Chairman, and thank you to our witnesses for participating in today's hearing.

WMATA is the third-largest heavy rail transit system in the United States, and it is utilized by the Federal work force. In 2020 and 2021, Congress provided a combined \$67 billion in grants for transit systems across the Nation. Specifically, WMATA has received \$2 billion in stimulus funds. Despite these additional stimulus funds we have seen a decline in transit revenue, making WMATA even more reliant on Federal Government funds. This decline in ridership is a direct result of safety failures, stringent COVID restrictions, and rising crime rates.

Congress must ensure that all taxpayer dollars allocated to WMATA are being used responsibly to conduct its operations in an

efficient manner, and simply put, Congress must hold WMATA accountable for the funds we have given them to ensure that WMATA can operate without relying solely on Federal funds.

Mr. DITCH, what are some of the common operational shortcomings WMATA faces?

Mr. DITCH. I mean, it is almost hard to know where to start. Part of the operations is rider safety, and whether you are looking at mechanical failures, which there is a long history of, whether you are looking at issues of crime—we have seen reports about how the Metro Transit Police has failed to properly report and investigate thousands of crimes. We have seen assaults increase now, even though ridership has declined, so safety is a problem. We have also seen, on the capital spending side, because the capital budget is a huge component of the WMATA budget, and project after project comes in over time and over budget, and even though they keep blowing through the money they are given, in turn they are given more money. There is no incentive for WMATA to handle public funds in a responsible manner.

Mr. KELLER. That actually is my second question. If we continue to increase funding for WMATA without seeing a performance improvement, you know, what might motivate WMATA to fix ongoing safety failures and other issues? I mean, I do not know that there would be much of an incentive for them. Is that an accurate assessment?

Mr. DITCH. I think it is going to take some radical steps. Perhaps saying if we can't improve efficiency, if we can't make the system even close to financially sustainable we might have to reduce the area of service. We might have to again privatize some of the service, and we hope we can get some gains, some operational gains by using the incentives that are inherent in private operations.

Mr. KELLER. And I guess I would just ask, you know, quickly to the rest of the panelists, what reforms should WMATA implement to improve operations and return to normal transit service, and how can we, as Congress, help achieve that goal?

Mr. WIEDEFELD. This is Paul Wiedefeld, Congressman. Thank you. I think it is important to remember that prior to the pandemic the Federal Government does not provide operating funds for the system. That is provided by the local governments and the revenues generated either from the fare backs or advertising or joint development. So I think that is important to understand. And going forward, that will be a challenge for the local governments again to address, because the Federal money will disappear at the end of our Fiscal Year 2024, at the beginning of our Fiscal Year 2024, and that is the discussion that the local governments, the state governments will have in terms of what does the service look like, what is the level of financing support that they can provide for the system.

Mr. KELLER. I appreciate that. Thank you. I am running down here on the end of the time here. I just wanted to mention, Mr. Chairman, I appreciate having the hearing. You know, we owe it to the American taxpayers to serve as a resource to WMATA and ensure that the government spending is not left unchecked.

So it is a matter of safety. It is a matter of making sure that good service is provided, and I am willing to work to make sure that happens.

Thank you, and I yield back.

Mr. CONNOLLY. I thank my friend and would remind him that the operating subsidies of Metro since its inception have been borne by the local governments, not by the Federal Government at all. And I would also point out that my baby, the Silver Line that runs through Fairfax into Loudoun County, initially was funded 80 percent locally, only 20 percent federally, a complete reverse of the original Metro system financing scheme.

So a lot of the burden has already been shifted to local government, and that goes back to Mr. Hice's question about operations. What is the sustainability if we have an ending acceleration of the subsidies of local governments to be able to do that? They do not have the resources of the Federal Government. So that is another one of our existential questions, I think, Mr. Wiedefeld.

Votes have been called. The chair now recognizes Ms. Brown, the gentlelady from Ohio, and Ms. Norton, if you get ready you are on deck once the chair goes to vote, and I thank you again, Ms. Norton, for your willingness to do that.

Ms. Brown, you are recognized for your five minutes.

Ms. BROWN. Thank you, Chairman Connolly, and Congresswoman Norton for holding this hearing, and thank you to all the witnesses for joining us today.

WMATA is the third-largest heavy rail transit system and the sixth-largest bus network in the country. It is also an essential transit option for many Federal workers who live and work in the region. Unfortunately, the Coronavirus pandemic adversely impacted WMATA's ridership. The Greater Cleveland Regional Transit Authority, which serves constituents in my district too experienced a decline in ridership during the pandemic.

In 2019, there were over 32.1 million riders. In 2021, the number of riders dropped to 15.9 million. If you look on the screen you will see a trendline shaped like a lopsided V. The trendline represents actual ridership and then, where there is blue, it is the projected ridership.

Mr. Wiedefeld, the trendline really shows that the impact of the pandemic on this region's mass transit ridership. Is the V-shape unique among the public transit systems in the United States and across the world?

Mr. WIEDEFELD. No, it is not. It mirrors exactly what we have seen literally globally.

Ms. BROWN. Thank you so much. Now, Mr. Wiedefeld and Mr. Smedberg, even by 2025 WMATA does not project reaching the ridership levels of the Fiscal Year in 2019. Why is that, and will that be the trend across the country?

Mr. WIEDEFELD. If I may, just from our perspective, that has a lot to do with the work force, the Federal work force, as was mentioned by Congressman Hice, and also just the travel behavior that we have seen.

Now we do see ridership picking up in non-peak periods. We have already seen some of that, particularly on the weekends, and so I believe that will continue. But this is a trend that, again, we

monitor both nationally and globally, and this is very consistent with what we are seeing around the globe.

Mr. SMEDBERG. And Congresswoman, the existential question, and some of the questions that WMATA and other systems around the Nation are going to have to address is how is their transit system going to serve their community into the future? If you look at WMATA here, yes, the work force is a big part of that, but yet we are looking at reverse commuting. We are looking at new centers of density and development in and around Metro stations. Most of the development and redevelopment in the Washington region is centered within a quarter mile or half a mile of a Metro station. Younger people, younger couples do not own cars.

This is a long-term sort of thing we have to start looking at. Yes, WMATA is going to change. That financial model is going to have to change. But these are things that, you know, we are going to have to keep in mind. We have already started talking about them as a board, and I think we are going to be seeing a lot of this around the country, particularly in the larger metropolitan areas and economic centers around the country.

Ms. BROWN. Thank you. Can we please put up the second slide? So with what you were saying, with decreased ridership comes decreased revenues. The slide shows total fare and non-fare revenues at WMATA dropping precipitously in Fiscal Year 2021, but beginning to rebound by Fiscal Year 2022, and that increase continues but still does not come close to the pre-pandemic revenues.

Mr. Wiedefeld and Mr. Smedberg, are these trends also consistent with the transit systems across the nation?

Mr. WIEDEFELD. They are consistent but we do have one unique feature in our system, which is we charge a higher fare during peak periods and we charge a higher fare for distance. Most systems do not do that. They may have a peak period but they don't generally charge for the further you travel. So that is a little bit unique to us and that has further impact on our financial condition, but you will also see that same trendline at other properties around the country.

Mr. SMEDBERG. And I agree, Congresswoman, with what Mr. Wiedefeld said. Again, it is one of those existential questions we will have to address, in terms of the financial model, and a lot of that is borne, in this region anyway, by the localities.

Ms. BROWN. Thank you. And there is a funding gap projected in Fiscal Year 2024. Despite these struggles, we, as a Nation, continue to invest in public transportation.

My final question is for all of the witnesses. Why is investing in public transportation worth it?

Mr. SMEDBERG. Well, Congresswoman, I think it is worth it. I think as we see in the metro region here in Washington it is the economic foundation of this region's economy. It just is. And again, like I said, we see all the development and redevelopment happening in and around Metro stations, and I don't see that changing any time into the future. We have local governments looking at their development in and around stations. So our investment in transit is important, and also from an environmental perspective, from a sustainability perspective, and an equity perspective. You know, those are all things we have to keep in mind as we look to

the future, in our metropolitan region and the second tier metropolitan regions, in terms of population.

All of that is in question and all of that is changing. We see growth throughout the country in major cities, and they are rapidly trying to develop transit systems like WMATA. As Mr. Wiedefeld said, you have rail and bus together, and Metro access for people who are disabled. So it is a very important investment.

Mr. CONNOLLY. Thank you very much. Thank you, Ms. Brown. Great charts and penetrating points. Thank you very much.

I am going to call on Mr. Sarbanes next and then hand over the gavel to my good friend, chairwoman from TNI and senior member of this committee, Ms. Norton. Before I do acknowledge you, Mr. Sarbanes, if you would allow me just one question of my own. I want to get at the question of cooperation real quickly.

Dr. Mayer and Mr. Cherrington, do you believe that this culture we have been talking about is changing so that is a more cooperative culture, that you are getting the information you are requesting, or do you still find resistance at various levels in the organization? And if I could ask you to be real brief, because I have got to go vote.

Mr. MAYER. I think that we see a great deal of cooperation. Is it changing? Metro is a very large organization. As people get to know us and get to trust us, I do believe we are seeing change. But we are always going to run into pockets of nervousness or pockets of questioning about whether or not it is appropriate to share with the WMSC. So it is really important for the general manager and the next general manager to continue to enforce that.

Mr. CONNOLLY. Mr. Cherrington?

Mr. CHERRINGTON. Mr. Chairman, we have made recommendations in the report that we are going to provide you, and I think if those recommendations are followed I think communication will improve.

Mr. CONNOLLY. OK. And Mr. Smedberg, real quickly, did you want to comment on that at all, in terms of the need to kind of shift to a more cooperative relationship as we evolve?

Mr. SMEDBERG. Yes.

Mr. CONNOLLY. Real quickly.

Mr. SMEDBERG. Yes, yes. Thank you, Chairman. I mean, the board is obviously very concerned about this, and safety in general, and we are trying to do everything we can in being supportive of the IG and Mr. Wiedefeld to make sure that that communication with the Safety Commission and others, for that matter, FTA, happens.

Mr. CONNOLLY. OK. I love those answers. We are doing everything we can, but OK.

The chair recognizes Mr. Sarbanes, and again thanks Ms. Norton for her willingness to help out here, because votes have now been called, and I am going to have to run and do that. Thank you all for participating here today, and I know we are going to have much more dialog and hopefully a rosier future for America's subway system.

Mr. Sarbanes, you are recognized for your five minutes.

You need to unmute.

Mr. SARBANES. Can you hear me?

Mr. CONNOLLY. Yes.

Mr. SARBANES. OK. Thanks, Mr. Chairman. Maryland, D.C., Virginia, worked with Congress, as we know, to establish the Washington Metrorail Safety Commission in 2017 after the predecessor Safety Oversight Agency was found to be deficient. The Safety Commission was certified in 2019, and took over safety oversight of WMATA after a period of oversight by the Federal Transit Administration.

Dr. Mayer, when the Safety Commission began operations in 2019, what were the major outstanding safety oversight concerns, also known as corrective action plans, that the FTA handed off to your office as priority concerns?

Mr. MAYER. We inherited just north of 100 corrective action plans that were being managed by the Federal Transit Administration and being implemented by Metro. Many of these plans revolved around some of the safety issues that you are well familiar with—water intrusion, electrical arcing, and the maintenance of infrastructure, primarily track, to prevent derailments. Those are some of the major issues that had been a focus of FTA's safety oversight during that period of direct safety oversight.

Mr. SARBANES. Thank you. I wanted to talk a little bit about some of these plans that have been open for years, among the ones that you inherited. For instance, the corrective action plan declaring that WMATA needs to implement protections against the unauthorized movement of trains under zero-speed command has been open since 2016, even though without these protections train cars have collided, trail operators have sustained injuries.

Another example, the corrective action plan regarding WMATA's need to increase staffing levels at the Rail Operations Control Center was similarly open from 2015 to 2021, during which time a lack of proper staffing contributed to workplace issues within the Control Center and created serious safety risks across the system.

Dr. Mayer and Mr. Wiedefeld, how are your organizations working together to address these dangerous and longstanding challenges? And let me, just before you answer, Mr. Wiedefeld, let me thank you, as others have done, for your service, not just to WMATA but prior to that over the course of your career. It has been a great challenge, I know, to undertake the leadership of this important organization during a time when all of these things have been intersecting. But I want to thank you for that service.

So Dr. Mayer and Dr. Wiedefeld, can you talk about how you are working together to address these safety challenges? And why don't we start with Dr. Mayer.

Mr. MAYER. Sure. We have coordinated a great deal on these two specific safety issues that you mentioned. On the issue of zero-speed commands we have seen a collision that was related to the movement of trains without proper movement authority, and we focused a great deal of attention on that. We are seeing technological retrofits. It is going to take efforts to ensure that those retrofits are extended to the oldest cars in the fleet, but that is improving the issue, as well as significant operational attention being paid to only moving trains with proper authority. We pay close attention. We monitor Metro's radio frequencies, and we pay close attention and are pleased that the problem of movement under zero-speed com-

mands. And although CAPs remain open, the problem has reduced in recent months.

On the issue of ROCC staffing, I think there is a success story there. When we did our ROCC audit just before the pandemic the facility was staffed with 26 individuals. It was hardly enough to really keep it operational. Today there are 49 certified controllers and more in the pipeline, again, something we pay attention to very carefully. But I am pleased with those numbers.

Mr. SARBANES. Mr. Wiedefeld?

Mr. WIEDEFELD. Yes, Congressman, let me just add exactly as David just said. These are efforts that we have been working very closely with the MSC on. It does take some time on these, unfortunately. The ROCC control center, for instance, almost takes a year of training to bring those controllers up. As he just mentioned, there has been significant improvement there, and I think it is a success story. The gentleman that now runs that comes from the aviation business, has a totally different perspective from the transit world, and we will continue to do that, the same way with train movement.

Again, some of these things are technology solutions that do take time to develop, particularly in a huge system like ours. But we are committed to do it and working with the MSC to achieve it.

Mr. SARBANES. Thank you very much, and let me just, in closing, on the threshold question of whether we need WMATA to be strong, I certainly think the continued support of it is critical. And I think there is going to be new and creative opportunities for WMATA to serve this region, if we keep the system strong and vibrant as we move forward.

With that, Madam Chair, I yield back.

Ms. NORTON. [Presiding.] I thank the gentleman for his questions, and I am going to call on myself next.

First I want to say to Mr. Wiedefeld how grateful we are for his service.

My first question is for Mr. Wiedefeld and for Mr. Smedberg. Through the Bipartisan Infrastructure Law, Congress reauthorized dedicated Federal capital funding for WMATA. That is going to go through Fiscal Year 2030. WMATA will receive \$150 million in annual funding which will be matched by the local jurisdictions, and will also receive enhanced formula funding for capital investments.

I want to know how the Washington region and Metro riders will feel the impact of this investment? So, Mr. Smedberg, how will Congress' investment in WMATA be used to improve the experience of riders on Metro buses and on Metro rails?

Mr. SMEDBERG. Thank you, Congresswoman. Well, you see it every day. We have numerous platforms that have been totally revitalized. We have new lighting. We have new elevators. We have new escalators. We have new safety measures along the track itself. We have new systems in place that show when trains are arriving, schedules. So the whole customer experience is changing, you know, in that. And these are projects that have been delayed for decades now, but we are able to really get up to speed. And we are going to be seeing more and more of that.

But also for us, from the board perspective, and I think the customer perspective, is getting to the state of good repair. All those

projects that you may not see that are vital to the safety and reliability of the system. It is not just the shiny, new things you see at the station. It is also the things you don't see, which are vitally important, and also the integration of bus. At a lot of stations you see new bus kiss-and-ride areas and other things, integrating and not letting not only Metro bus but also the local bus systems get to the Metro stations, and the integrating of all these systems.

So these were funds that were vital to help do all of those work, and there is much more to come.

Ms. NORTON. Mr. Wiedefeld, what have you learned during your tenure as WMATA's general manager about ensuring riders feel the impact of their tax dollars in WMATA that you would share with your successor?

Mr. WIEDEFELD. Thank you, Congresswoman, and thank you for your support.

What I believe the new general manager will need to do, which is follow the board's lead and to continue to focus on those things that matter the most to them, making their ride safe and convenient, communication transparency on the issues that we do face, and then making some tough decisions of things that have to be addressed to make the longer vision of the agency successful. So I think that would be a very large part of the new general manager's role.

Ms. NORTON. Mr. Cherrington, now I have a chart I would like to have on the screen. And this is also for Dr. Mayer.

This chart shows that the regional and Federal investment in WMATA has dramatically cut into the authority's backlog of essential and needed repairs, from \$7.1 billion repair backlog in 2016 to a projected \$1.2 billion backlog after this investment from the Bipartisan Infrastructure Law.

So Mr. Cherrington and Dr. Mayer, will these investments allow Metro to improve its safety posture and find other efficiencies that could save both dollars and lives?

Mr. CHERRINGTON. Go ahead.

Mr. MAYER. I will start by saying I haven't reviewed those numbers and projects in detail, but investment in the infrastructure of the Metrorail system is critical to bringing it back to a state of good repair and keeping it there, because those investments and that state of good repair prevents infrastructure-related derailments, it helps prevent water intrusion-related track fires, and it improves the safety of the system in general.

Mr. CHERRINGTON. Congresswoman, I want to thank you, first of all, for your support to OIG. Our job would be to monitor, to audit, and to look at that funding and to see that it is appropriately gotten to those particular areas.

Ms. NORTON. Thank you. I see my time has expired.

Mr. Beyer, you are recognized for five minutes. Congressman Beyer?

Mr. BEYER. Yes. Thank you, Congresswoman Norton. I appreciate it very much.

In August 2021, the Safety Commission stated that, quote, "WMATA initially withheld some information required for this audit from the Safety Commission, and misleading statements regarding the Safety Commission's work and the timing of 2019 Fed-

eral Transit Administration Drug and Alcohol audit, and initially didn't provide information related to Metro Transit police department officers."

Dr. Mayer, can you please talk about this instance of WMATA withholding information and any other similar instances in which the Safety Commission has had issues accessing information, personnel, or facilities necessary to conduct its oversight?

Mr. MAYER. Sure. I would be happy to. We conducted, like all other state safety oversight agencies, we conducted an audit of fitness for duty and specifically drug and alcohol programs, and initially information was not provided to us on drug and alcohol testing for all of the employees, subject to the program, specifically the Metro Transit Police Department employees, and that led to some protracted interactions between our two agencies until we ultimately issued another set of noncompliance and ultimately the records that we sought we were provided and we successfully, although with some delay, completed our audit.

Mr. BEYER. Thank you very much. And Mr. Wiedefeld, are these access issues something that WMATA would like to resolve with the Safety Commission? Are they resolved, and if so, how?

Mr. WIEDEFELD. Yes, Congressman. Obviously they are ones we want to resolve. Sometimes there is a difference of opinion with some of the requests for information we need to have open dialog on that.

The one thing that I have stressed with the WMSC, and what we have established with the OIG, is a single point of contact so that I can be aware, or the general manager can be aware of what is being requested and who can I turn to, within our agency, and where are we in delivering this. And unfortunately sometimes I think we need to work on that part of it to make sure that things don't get addressed as quickly as they should be, and they do when I am aware of them, to be frank. And that is what I think we need here, and it is something that we have established with the OIG's office, to make sure when he has an issue we get to it and we get back to them. And it is what it is, but we deal with it. So we need to create a strong relationship with the MSC to do the same thing.

Mr. BEYER. Thank you. Mr. Cherrington, Mr. Wiedefeld just brought you up. Your office has this longstanding oversight relationship with WMATA. What are some of your observations or recommendations with how WMATA and the Safety Commission might improve their collaborative working relationship?

Mr. WIEDEFELD. Thank you, Congressman. Communication is a two-way street. So it is not only that Metro has to provide it, it is also how it is sought and how it is asked for.

I think with the Safety Commission and Metro management, a model much like ours with OIG, for instance, a one single point of contact. Now that doesn't always work, and I have to stress that in an investigation or in some audits when one needs information quickly one has to go directly to a source. It might be low down in the staff. They need it immediately. They need it perhaps unfiltered from management. But certainly a focal point of contact. I think collaboration at high-level meetings and also at staff meetings. But that focal, one point of contact can weed out a lot. They

already know the authority of the Safety Commission. They have broad authority for personnel documents and systems.

And also I believe that the FTA's safety oversight on collaboration among all of the safety oversight organizations around the country will be fundamental in improving that communication.

Mr. BEYER. Thank you very much. And Mr. Smedberg, obviously we were thrilled when you moved from Alexandria city leadership to take over the board. A huge improvement in board leadership. Can you commit to us that the board will address all the recommendations that the FTA and the OIG or Congress might have to improve this WMATA safety committee working relationship?

Mr. SMEDBERG. Yes, Congressman, and to amplify, Chairman Connolly mentioned earlier, you know, we gave sort of high-level answers, but, you know, we now are getting regular updates, from the general manager in particular, our chief safety officer, the OIG, and others about these safety initiatives, on a whole range of issues. So I wanted the committee to know that.

Mr. BEYER. Thank you very much. And Madam Chair, I yield back.

Ms. NORTON. The gentleman yields back. I recognize Congresswoman Katie Porter for five minutes.

Ms. PORTER. Thank you very much, Madam Chair.

Mr. Wiedefeld, you have known about the defects on the 7000-series railcars since 2017, and my understanding is that you have said that WMATA has been working with Kawasaki, the manufacturer of those defective railcars, ever since. What actions has WMATA taken to hold Kawasaki accountable for the problems with the 7000-series railcars?

Mr. WIEDEFELD. Congresswoman, that relationship between us and Kawasaki is part of the NTSB investigation, and I believe the OIG as well, so I cannot comment any further on that at this time because that is under investigation. It will lead to what it leads to, and then we will follow-up in any manner that we have available to us at that time.

Ms. PORTER. So you haven't taken any action? I just want to be clear. You haven't taken any action, and are not going to take any actions, because at this time you are waiting on the NTSB?

Mr. WIEDEFELD. There is an open investigation by the NTSB as well as the OIG's office, and I believe the U.S. DOT OIG's office.

Ms. PORTER. OK. And so at this time is your assertion that these railcars are not defective?

Mr. WIEDEFELD. At this time, again, we have to wait until this investigation is completed and—

Ms. PORTER. Mr. Wiedefeld, I want to be clear. You don't have to wait until the investigation is clear. You may be choosing to do that, but when something breaks, when something goes down, you can decide that you don't want to take that risk again as a matter of operational excellence, as a matter of commitment to passenger safety. You know, when or if the NTSB or OIG decides that these railcars are actually defective, and could actually cause an accident, if that happens I would certainly hope you would be developing a plan. But there is no requirement that you wait. You could begin negotiations with Kawasaki in the meantime.

Mr. WIEDEFELD. I think there are two lines of thought here, and I may have misunderstood some of the questions. We have taken action, basically, to take the entire fleet down. That was something that we did, again, from the safety perspective, until we understood what the core issue driving the problem is.

The issue of whether or not there is some contractual issue with Kawasaki, I believe that that needs to come through the investigation, so we know where we stand in any contractual—because that is where I thought you were heading with the first question; I apologize—that is there something contractually we can do. I think that needs to be the result of what we find through the investigation. That is what I meant by that.

Ms. PORTER. So Kawasaki is supposed to provide failure analysis reports when it learned about the wheelset defects. Has it done that?

Mr. WIEDEFELD. That is something that the OIG has investigated. I don't know if he wants to comment at this time or if he can comment at this time.

Ms. PORTER. Mr. Smedberg, do you want to comment?

Mr. SMEDBERG. Well, Congresswoman, again, you know, for part of the investigation, the board is following this very closely and we are working with the general manager and our chief safety officer to stay on top of this. You know, again, we are under investigation by the NTSB, the OIG, DOT, and others. And I know I can say, amplify maybe a little bit of what Mr. Wiedefeld said, I know they are working very judiciously and quickly to get through a list of items to get to the root cause of the issue. I think that is what we are all waiting to see what the actual root cause is, and I think that is really the real question here.

Ms. PORTER. All right. I just want to follow-up quickly. Mr. Wiedefeld said that the entire fleet was taken offline. Was that temporary? They are back in use. Is that correct?

Mr. WIEDEFELD. No. That was done in January, January 13, so that we could focus on identifying the root cause.

Ms. PORTER. January 13 of what year?

Mr. WIEDEFELD. Just last month.

Ms. PORTER. So between when there were defects reported, concerns about defects in 2017 and less than a month ago, these Kawasaki 7000-series railcars were in use?

Mr. WIEDEFELD. Yes, that is true.

Ms. PORTER. So you have taken action to keep the public safe in less than the last 30 days after four years of using these railcars.

Mr. WIEDEFELD. No, I disagree. In 2017, as the OIG has mentioned, in his investigation it was treated as a warranty issue. You bought a new product, there were 2 items out of 3,000 that did not perform, these were returned for new ones. So that is how it was being addressed at the time.

Ms. PORTER. I yield.

Ms. NORTON. The gentlewoman yields back, and I recognize Congressman Brown, Anthony Brown, at this time.

Mr. BROWN. Thank you, Madam Chair. I am in a makeshift area but I want to thank you and Chairman Connolly for holding this important hearing. As has been said by so many, WMATA plays an essential role in the national capital region. WMATA, as we have

heard, is the third-largest heavy rail transit system, but it also historically has been the second-busiest rapid transit system behind New York City, and the sixth-largest bus network in the country. And it essential to keeping our Federal Government working, with Federal employees representing approximately 40 percent of Metro-rail's peak period customer base.

Since I was elected to Congress, ensuring funding for WMATA and supporting its frontline transportation workers has been a top legislative priority. And that is why I introduced and worked with the Amalgamated Transit Union, the Public Transit Safety Program Improvement Act, which was included in the Infrastructure Investment and Jobs Act. And my bill ensures that frontline transit employees are at the negotiating table with management when establishing a public transportation agency safety plan. Having management, especially a general manager that works well with labor is vital to the success of the operation and the transit system as a whole.

So I want to commend Mr. Wiedefeld for the work he has done, especially in the last two years during the pandemic, fighting for COVID relief funding so that no frontline workers were furloughed, and making sure that labor was part of the decision-making process.

Mr. Wiedefeld, what can the next general manager do to continue to improve the relationship with WMATA's frontline work force and how can the next general manager successfully increase the communication between management and labor?

Mr. WIEDEFELD. Thank you, Congressman Brown. I believe transparency with labor, and as you mentioned, communications. But it is really transparency on the some of the challenges that we face together, and that we have to solve them together. It can't be management versus labor, and I believe, as we have shown during the pandemic, that is the approach we took. We basically went through both some of the health concerns, some of the operational concerns, the funding concerns, and said, look, we need to work with you to solve these. And I think the relationship we have created with President Jackson, for instance, in 689, and other presidents, union leadership, whether it police or bus, has shown that that is the model that works. And I would hope that the new general manager would continue that process.

Mr. BROWN. Thank you. Mr. Smedberg, you sit on the general manager search committee. How is the committee approaching the general manager search, and since there isn't a labor representative on the search committee what factors are you looking for in a candidate to ensure a strong working relationship between the next general manager and labor?

Mr. SMEDBERG. Thank you, Representative Brown. Well, actually we started a national search, as you are probably aware. The executive committee of the board will serve as the search committee. We instructed the recruiter. Recently he and the Executive Vice President of Human Capital and Business Operations at WMATA sat down with all the leaders of the various unions of WMATA, and they were our first interviews. So that process has already begun, and I think they had very, very positive conversations with those folks. In fact, I will be getting a readout on Friday morning. But

I know labor, the feedback we got back from the representatives was that it was a very positive exchange and they were very pleased that we reached out to them.

Mr. BROWN. Mr. Smedberg, thank you for your response. I certainly ask that in your search you continue to look for someone who is willing to work in good faith, and a good-faith effort with labor, as did Mr. Wiedefeld, to improve WMATA, and to keep the system running smoothly.

And let me just conclude my remarks by saying job well done, Mr. Wiedefeld. Maryland trained you well. You took your experience, your talent, and your passion for public service in the transportation sector and you made a tremendous difference at WMATA. So I thank you, I commend you, and I wish you God speed in your next endeavor.

I yield back, Madam Chair.

Ms. NORTON. The gentleman yields back. I recognize Mr. Trone for five minutes.

Mr. TRONE. Thank you very much, Congresswoman Norton, and thank you to Chairman Connolly for holding this really important hearing.

You know, so many of our constituents rely on WMATA, and I would like to first start off by congratulating Mr. Wiedefeld on a long and very successful career, and thank him for his many countless hours. Sometimes it is difficult to be recognized for the tremendous hard work and dedication that people like Mr. Wiedefeld and so many others put in, and I would just like to put in a positive and say thank you very much, and I hope you enjoy your retirement.

As far as the witnesses today, what I am struck by is the deficits, and as a business person that is in the retail business, if I was struck with a 78 percent drop in my customer counts, which is what your ridership is, your customers have declined 78 percent from pre-pandemic, and then we think about the future, you know, we think about what is going to happen with telework, and we know that is only going up, up, up. With the broadband bill in the infrastructure package we are going to see less and less folks moving to urban America and perhaps more going to rural, where they can telework, which means ridership not coming back.

We also see the challenges in Washington uniquely with what happened on Insurrection Day. That has scared away, rightfully so, so many tourists that are no longer in D.C., and also the legions of workers that were here to work with Congress, to work with the regulatory agencies. Now we are also not here, and part of the violence on Insurrection Day and the threats of other days of potential violence that might uniquely hit the capital and not other cities.

So a lot of that is pretty glum as we think about how you project to get to a fixture profit and loss statement. So could you just take a quick look at your deficit you project in 2024 and give us an idea of how you see how that possibly, with this type of catastrophe it is really mission impossible turning this around, from a financial standpoint. And we may have to accept that it is going to be a consistent money loser, and a big money loser for decades and decades, but necessary to have our capital shown in the best way it can and

also get the legions of Federal workers, 40 percent you mentioned, to and from their place of work.

So just walk me through the P&L statement. How are you going to fix that 2024, what your ideas are about that, Mr. Wiedefeld.

Mr. WIEDEFELD. Thank you, Congressman. I would also like to have the chairman give some thoughts, because that is a big challenge for the new general manager and I know that is a big focus of the board to have someone that could address those type of issues.

I think we have to step back and understand that transit is not a profit-making business. That is not what it is designed to do. It serves lots of other societal goals, and that is part of the package for transit in this Nation, and around the globe, to be frank. So I think a pure business model, we definitely should look at it as a business, and minimize the different costs and associated things of that sort. But to think that we will ever turn a profit from a pure operating model I think is just not what transit does in this Nation, and globally.

But if I could turn to the chairman for his thoughts on the future.

Mr. SMEDBERG. Yes, Congressman, you are right. I mean, you look at the statistics on paper as they currently stand, it is going to be a huge challenge. I think many of us are very optimistic. We look at this region, its growth and what is happening in and around Metro stations. And it is vital, and as Mr. Wiedefeld said, you know, at times a transit system is not about making money.

We are doing everything we can. We are beginning to think about doing other things to get that ridership back once people do start coming back into work. I don't think everyone is going to be teleworking or moving away from the region. In fact, if anything I think this region is going to continue to grow, so there is optimism there.

But you are right. I mean, WMATA is not going to look the same today as it does 5, 10, or 15 years from now. Our region is not going to look the same, and we have to look at this system differently. I mean, before everything went to the core. I think that is going to change. You look at the advent of the Silver Line, you are going to have people reverse commuting. We really haven't had a lot of that in the past.

So there is a lot we are going to have to be looking at, but there is no doubt that we are going to have to make very difficult financial and operational decisions, in conjunction with and in cooperation with the general manager, the new general manager, and Metro leadership, and regional leadership. Because as Chairman Connolly said earlier, the regional financial model, long term, is simply not sustainable, and that conversation is going to take years to get to whatever that new model is. But we have to start that discussion soon, because the current model most likely is not sustainable into the future.

Mr. TRONE. I know my time has expired, but we have just got to have a target that you know X hundred millions is what the loss [inaudible] important, but we need to aim for something and figure that is the subsidy that is appropriate for the model that is out there and that can be attained.

I yield back.

Mr. SMEDBERG. Understood. Thank you.

Ms. NORTON. I next recognize Congressman Clyde.

Mr. CLYDE. Thank you. If I may, Mr. Smedberg, you made a comment about transit equity. Can you define that for me?

Mr. SMEDBERG. Right here, Congressman. Thank you. Transit equity is something that, you know, that we strive for all the time in making sure that transit is accessible to all members of the community, you know, particularly those people who are transit dependent.

Mr. CLYDE. Who are what?

Mr. SMEDBERG. Transit dependent.

Mr. CLYDE. OK.

Mr. SMEDBERG. We have a lot of people in the region who are transit dependent. They require it to not only get to work but to buy groceries, to get to doctors' appointment, to take their children to school. You know, and it is the range of everyone economically.

Mr. CLYDE. OK. Thank you. And can you tell me, Mr. Cherrington, you said that the investigation is now in its fourth month, right, of the train derailment?

Mr. CHERRINGTON. Yes, sir.

Mr. CLYDE. When do you expect that to be completed?

Mr. CHERRINGTON. Within the next couple of weeks, I believe.

Mr. CLYDE. OK. So within the next couple of weeks, you will have a completed report that you can provide to us as to what happened.

Mr. CHERRINGTON. Congressman, I just want to be clear that we investigated what the chairman asked us to investigate. However, we have another investigation regarding Kawasaki with the DOT IG, and I can't give a timeline on that because it depends on a lot of other sources. However, to answer the communication question and what WMATA should have provided to the WMSC, those will be in a final report within the next several weeks.

Mr. CLYDE. OK. All right. Thank you. I look forward to seeing that.

Mr. CHERRINGTON. Yes, sir.

Mr. CLYDE. You know, whether we attribute this decrease in WMATA to increased teleworking policies, restricted public access to Federal buildings and other destination spots, or a fear of discrimination because of vaccine status, there has been a significant decline in the number of visitors and commuters using WMATA over the last two years. During that same period of time, as we have heard mentioned, the crime rates committed per passenger have nearly doubled from 45 to 89 per 10,000. So we know that the initial impacts of the COVID-19 pandemic were unavoidable, and millions of individuals chose to temporarily avoid public transportation out of an abundance of caution. But we are now more than two years since the start of the COVID-19 pandemic, and while many businesses and local economies are starting to recover, Washington, DC, continues to see a slower economic growth than many other cities.

So, Mr. Ditch, I have a question for you. Do you believe the continued decrease in passengers is only a result of the sincere health concerns or, rather, a side effect of the overreaching policies and

mandates that discourage individuals from traveling to our Nation's Capital, or maybe something else?

Mr. DITCH. I think it is absolutely both. We had someone mentioning the decline in tourism. There are some tourists who might be concerned about traveling to the Metro Area because they don't want to be exposed to COVID. There are some travelers who would be discouraged from coming to Washington, DC, because they don't want to have to worry about bringing a vaccine passport or masking up practically everywhere they go. One of the more structural issues is that WMATA's financing was, frankly, unsustainable before the pandemic. It is worse now, and we have no idea if it is even going to get back to where it was in 2019, let alone to a level that would make any sort of economic sense.

Mr. CLYDE. OK. So in a follow-up to that, so because they have collected less revenue from fares, WMATA has had to rely more heavily on pandemic relief aid to fund operations. So as a fiscal policy analyst and considering the current COVID-19 mandates, do you believe WMATA's current budget and operating structure can be sustained for the foreseeable future without further bailouts from the American people?

Mr. DITCH. Absolutely not. The ridership rebound has been very slow, and, again, we all hope that the pandemic will recede, but we also, I think, unfortunately should expect future waves. And if we see another wave of restrictions and mandates in cities like D.C., we are just going to get sustained lack of ridership and stable revenue.

Mr. CLYDE. OK. Thank you. In closing, while there is no denying that the COVID-19 pandemic temporarily disrupted WMATA's operations and revenue stream, it is becoming increasingly evident that it is the tyrannical policies and mandates perpetuated by Mayor Bowser and Democrat leadership that are creating an economic train wreck for our businesses and communities. You know, the Constitution gives Congress the authority to exercise exclusive legislation in all cases whatsoever over the District of Columbia. Congress has both the authority and the responsibility to ensure D.C. policies are in the best interest of its citizens. However, rather than eliminating bad policy and working to put our Nation back on solid financial footing, I think my Democrat colleagues have chosen to repeatedly pass the buck of fiscal responsibility and advance ultra-liberal agendas that strip away millions of Americans' rights. It is only when we get serious about the myriad of crises plaguing our Nation, holding hearings on those specific crises, that we can begin bettering our Nation.

Thank you and I yield back.

Mr. CONNOLLY. Congresswoman Wexton.

Ms. WEXTON. Thank you, Madam Chairwoman, and thank you to the witnesses for coming before us today and for your testimony. You know, I feel like I am back at the Northern Virginia Transportation Commission, except we are not here at nine on a Thursday night, so it is much, much better.

You know, my constituents and I are very excited about the opening of Phase 2 of the Silver Line, which I think now at this time is imminent. It is going to be a huge benefit for us in Loudoun County and in Western Fairfax to get to their jobs in Reston. So

it is going to be a lot more fun, you know, to be able to ride it soon, and I just am really looking forward to it. Mr. Wiedefeld, what are the final steps that have to be accomplished in order to be able to open the Silver Line to passengers this year?

Mr. WIEDEFELD. Thank you, Congresswoman. We are finalizing the review of the project. As you know, the Airports Authority has built that project. In the very near future, in effect, we will take that project over and start to ramp up, in effect, a dry run of service for roughly three months. So we are hoping to have that system open in the very near future.

Ms. WEXTON. Do you anticipate that the 7000-series investigation will impact the Phase 2 opening date or subsequent Silver Line operations?

Mr. WIEDEFELD. It will not. Again, in the scale, this system that we have, you know, it is relatively small in terms of the impact, in terms of the distance, and the vehicles needed to support it. So I do not see any issue there.

Ms. WEXTON. I understand that you are you going to be leaving in about six months. Do you anticipate that the Phase 2 of the Silver Line will be completed before you leave?

Mr. WIEDEFELD. That is my goal.

[Laughter.]

Ms. WEXTON. I certainly hope that we get it up and running by Memorial Day or Labor Day. I mean, Memorial Day is too soon, but hopefully by Labor Day, so thank you. I really appreciate all your great work, and I want to thank you so much for everything you have done. I know that you came out of retirement to help guide WMATA and hope you are able to have a wonderful retirement.

Mr. Cherrington, you know, we met back in 2019, and you had indicated that there were a number of reforms that you wanted to see in order to be a more effective inspector general for WMATA. Did the most recent infrastructure package, which included Chairman Connolly's bill, did that take care of all of your concerns and you now have the power that you need to be able to be really effective in your office?

Mr. CHERRINGTON. Yes, Congresswoman. Thank you for the question. Yes, we believe it does. In the almost five years I have been inspector general, based on cooperation from the board and the general manager, we have moved mountains in regards to getting more independence for the inspector general. We are happy that this act codifies those into law, and we are satisfied that we can effectively accomplish our mission.

Ms. WEXTON. And I want to thank you for your report about the construction deficiencies in Phase 2 of the Silver Line. I think that by highlighting this and by requiring that they be fixed, you know, we are going to end up with a Phase 2 Silver Line that is much more sustainable and lasts for many, many years. So I want to thank you for that.

Mr. Smedberg, what are the qualities that you are prioritizing in your search for Metro's new GM?

Mr. SMEDBERG. Well, we are going to have a final discussion with the board, but I think, you know, it is someone who has a strong administrative underpinning and obviously a focus on safety and customers. In some ways, as someone used recently, we are

looking for the unicorn. I mean, as you know, the general manager not only has to operate the system day-to-day, but deals with the local leaders, the state officials, the Federal delegation, and others, so this is a very unique kind of role.

Ms. WEXTON [continuing]. Need to go, so I am sorry. I hate to cut you off, but we are about to close, and so I need to go. Thank you much for your service.

Mr. SMEDBERG. All right.

Ms. WEXTON. It was great to—

Mr. SMEDBERG. Thank you.

Ms. NORTON. That was the last member I have, but I have a final question for Mr. Wiedefeld. As we have stated in this hearing, the Congress has made historic investment in public transportation throughout this pandemic, and, of course, Metro has been no exception. How much emergency Federal assistance has WMATA received during the pandemic, and how have these funds supported WMATA operations?

Mr. WIEDEFELD. We will receive roughly \$2 billion in total from Congress, so thank you very much. And what it has done, it has allowed us to meet the service needs of the community during the height of the pandemic. It is going to help us build future ridership, and it has kept a major work force employed at a time that we needed them the most. So again, thanks, Congress, for the support, and I think I speak for transit properties around the country when I say that because they have all been in the same situation as us.

Ms. NORTON. Well, you have seen by the members who have asked questions that WMATA is of major importance to this region and, we believe, to our country. This hearing, which I asked for and have co-chaired with the chairman, has been very elucidating to us. I must say, the witnesses have made clear that we have a lot of work to do to maintain this major transportation system in the National Capital Region.

I want to thank all of the witnesses today for this very helpful testimony, and this hearing is now adjourned.

[Whereupon, at 11:12 a.m., the subcommittee was adjourned.]

