

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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July 18, 2016

The Honorable Gene L. Dodaro
Comptroller General of the United States
U.S. Government Accountability Office
441 G Street NW
Washington, D.C. 20548

Dear Mr. Dodaro:

We write to seek assistance from the U.S. Government Accountability Office (GAO) with our oversight responsibilities of the Washington Metropolitan Area Transit Authority (WMATA).

Transit passengers deserve a safe ride and reliable service. In 2012, Congress granted the U.S. Department of Transportation (DOT) Federal Transit Administration (FTA) greater regulatory authority over safety oversight of the nation's transit systems in MAP-21.¹ However, recent high profile accidents and other safety issues, such as those that WMATA has faced, have shaken the public's confidence in the safety of the Metrorail system.² Given WMATA's ongoing safety concerns and longstanding management issues, it is essential that the transit agency be subject to strong and effective safety oversight. However, the National Transportation Safety Board (NTSB) has asserted that the DOT Federal Railroad Administration (FRA) may be better positioned than FTA to provide safety oversight for transit rail systems.³

WMATA is responsible for the safe operation of the Metrorail transit system, including the performance of daily inspections and preventative maintenance. The system faces myriad safety issues and, in March 2016, the entire system was shut down for an emergency inspection which further raised concerns about how WMATA is addressing safety issues. WMATA is now under new leadership and undertaking SafeTrack, a massive maintenance effort to address safety recommendations and rehabilitate the Metrorail system.

With respect to WMATA safety issues, the Committee requests GAO:

¹ Moving Ahead for Progress in the 21st Century Act, Pub. L. No 112-141 (2012)

² Editorial, It's Official: Metro is a National Embarrassment, Washington Post, March 15, 2016.

³ Press Release, Nat'l Transp. Safety Bd., NTSB Makes Urgent Call for Direct Federal Safety Oversight of WMATA (Sept. 30, 2015)

- 1) Examine how FTA is exercising its expanded oversight role and what steps FTA has taken to require that WMATA address outstanding safety issues;
- 2) Examine whether WMATA is in compliance with federal grant and safety requirements;
- 3) Examine and evaluate WMATA's planning and implementation of the SafeTrack program; and
- 4) Identify and evaluate how WMATA is assuring that current and future investments will result in long-term improvements and stability of the rail transit system, and how safety and other investments compare to other transit authorities.

Within DOT, the FRA is responsible for freight and intercity passenger rail safety oversight while the FTA has safety oversight responsibilities for rail transit systems. Although the intercity rail network differs from rail transit systems in certain ways, both employ human train operators to transport people over similar infrastructure and face similar safety risks, such as operator fatigue and degradation of the rail infrastructure. Despite these similarities, FRA's safety oversight program employs hundreds of inspectors enforcing FRA's safety regulations nation-wide, while FTA has more limited inspection capabilities and lacks the same authority as FRA to issue binding safety regulations for rail transit systems. In 2015, after a series of high profile safety incidents, the NTSB issued an urgent safety recommendation that responsibility for oversight of WMATA's transit rail operations be transferred to the FRA.⁴ DOT has also been outspoken in its disagreement with this recommendation.⁵

With respect to DOT rail safety oversight, the Committee requests GAO to:

- 1) Examine the differences between FRA and FTA's safety oversight programs and identify the reasons for these differences;
- 2) Evaluate what impediments and challenges exist to transferring or altering FTA's safety oversight responsibilities and determine potential remedies—including leading transit oversight best practices in place at other agencies and private entities—for overcoming any impediments or challenges to altering FTA's oversight activities or role;
- 3) Evaluate whether FTA's current safety oversight program has sufficient resources, technical capacity, and enforcement authority to provide the level of oversight over transit agencies necessary to ensure and improve rail safety, including in the case of WMATA; and

⁴ Press Release, Nat'l Transp. Safety Bd., NTSB Makes Urgent Call for Direct Federal Safety Oversight of WMATA (Sept. 30, 2015)

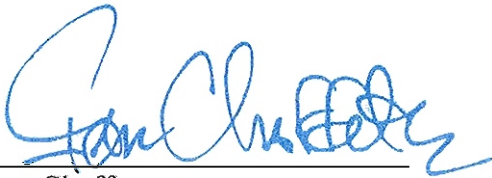
⁵ Letter from Anthony Foxx, U.S. Sec'y of Transp., to Christopher A. Hart, Chairman, Nat'l Transp. Safety Bd. (Oct. 9, 2015)

- 4) Evaluate whether FRA would be better positioned and more effective at performing safety oversight over WMATA than FTA, and whether Congress should consider transferring jurisdiction for WMATA's safety oversight to FRA.

Findings will help assure that rail transit systems and federal oversight agencies provide needed services in the safest, most appropriate and cost-effective way, and therefore are needed as soon as possible.

Thank you for your attention to this request. To discuss this request please contact Ari Wisch of the majority staff at (202) 225-5074.

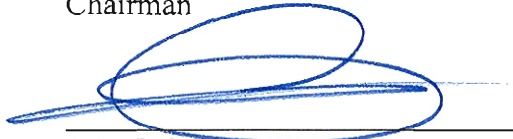
Sincerely,



Jason Chaffetz
Chairman



Elijah E. Cummings
Ranking Member



John L. Mica
Chairman
Subcommittee on Transportation
and Public Assets



Tammy Duckworth
Ranking Member
Subcommittee on Transportation
and Public Assets



Mark Meadows
Chairman
Subcommittee on Government Operations



Gerald E. Connolly
Ranking Member
Subcommittee on Government Operations