



COMMONWEALTH of VIRGINIA

Office of the Governor

Shannon Valentine
Secretary of Transportation

November 10, 2021

The Honorable Dave W. Marsden, Chairman
Senate Transportation Committee
Post Office Box 10889
Burke, Virginia 22009

The Honorable Delores McQuinn, Chairman
House Transportation Committee
Post Office Box 406
Richmond, Virginia 23218

Dear Senator Marsden and Delegate McQuinn,

Virginia Code § 33.2-3102 requires the Secretary of Transportation to provide a quarterly update on Virginia's efforts to work with its counterparts in Maryland and the District of Columbia, as well as the Northern Virginia Transportation Commission (NVTC), on necessary reforms of the Washington Metropolitan Area Transit Authority (WMATA) to support a viable transit system. This letter serves as the update for the quarter ending September 30, 2021.

- 1) **Labor costs and labor relations**
- 2) **Measures necessary to resolve WMATA's unfunded pension liability and other postemployment benefits**
- 3) **Financial and operational improvements necessary to ensure that WMATA's performance is at least as efficient as its closest comparable transit system in the United States**

Blue/Orange/Silver (BOS) Capacity and Reliability Study: On September 9, WMATA staff presented an update to the Board's Finance and Capital Committee on the BOS Capacity and Reliability Study, which was launched in 2019 to identify a project or program of projects to address capacity constraints and crowding, reliability concerns, a lack of operational flexibility, and threats to long-term sustainability in the corridor. A Cost Benefit Analysis has now been completed, and the agency hopes to identify a Locally Preferred Alternative (LPA) over the next few months for Board approval. Staff presented six alternatives, four of which are major expansions requiring construction of new segments of the Blue or Silver Line and each costing between \$15-25 billion. The other two alternatives are a No Build Alternative and a lower capital cost bus alternative that is estimated to cost up to \$5 billion. There was no recommendation made on an LPA, but WMATA staff is working toward a recommendation for Board approval later in 2021.

Infrastructure and Investment Act: The U.S. Senate's \$550 billion Bipartisan Infrastructure bill includes a reauthorization of PRIIA funding for WMATA at an annual amount of \$150 million per year from Federal

Fiscal Year 2022 through 2030. The funding is contingent on the agency providing \$5 million annually in non-federal funds to its Office of Inspector General (OIG) and other OIG strengthening provisions. The funding would also require Virginia, Maryland and the District of Columbia to continue to each contribute \$50 million per year in funding as match.

Service Changes: On July 10, Fairfax Connector took over the operation of five Metrobus routes that operate from the Cinder Bed Operations Facility in Lorton. Four of the routes had not been operating during the pandemic. The new Fairfax Connector routes cater to about 69,000 residents and provide access to more than 36,000 jobs within Fairfax County.

WMATA announced a delay of at least five months to complete the Potomac Yard Metrorail Station. The station was previously scheduled to open in April 2021 and is now likely to open in fall 2022. The reason for the delay is a need to redesign portions of the Automated Train Control systems at the station and is the result of project management decisions for which WMATA is accountable. Funding for the project includes \$50 million from the Commonwealth for the purpose of designing and constructing station access enhancements.

On September 5, WMATA implemented additional planned service improvements and fare relief initiatives on Metrobus and Metrorail. Discounts include free transfers from rail to bus, a new flat \$2 one-way Metrorail trip fare on weekends, and a 20 percent lower price for seven-day regional bus passes. On Metrobus, 36 lines will see more buses between 7:00 am and 9:00 pm, ten routes with service added or restored, and buses on more than 40 other routes provide more frequent service. On Metrorail, more trains operate all day and stay open one hour later on Fridays and Saturdays. Additionally, Metrorail will now open one hour earlier on Sundays.

WMATA announced on September 20 that it is building a fully zero-emission Metrobus garage in Washington, DC. The Northern Garage in Northwest DC is undergoing a \$401 million renovation that will expand its capacity. Also, the agency has plans to purchase only zero emission vehicles after 2030 and have a fully zero emission fleet by 2045.

Silver Line Phase 2: During this quarter, MWAA announced that Substantial Completion (SC) on the Silver Line Phase 2 project would not be reached by the previously announced target of Labor Day due to the need for additional work on the connection between the currently operational segment of the Silver Line and the new Phase 2 segment. Currently MWAA and WMATA staff are projecting SC by the end of 2021.

State Compliance Requirements: On July 1, WMATA submitted to the Commonwealth Transportation Board (CTB) the written notifications required for compliance with the CTB's "Policy and Guidelines for Implementation of Governing and Funding Reforms for WMATA" that were approved in 2018 to ensure compliance with the statutory requirements for the receipt of Dedicated Funding from the Commonwealth. DRPT staff evaluated the information received and confirmed that WMATA is in compliance for Fiscal Year 2021.

Also related to Dedicated Funding compliance, on June 29, the Northern Virginia Transportation Commission (NVTC) submitted a certification letter to the Comptroller of Virginia stating that it had received the documents and reports required by Section 33.2-3402 of the Code of Virginia. The four required documents included: WMATA's Annual Capital Budget, Annual Independent Financial Audit, National Transit Database (Annual Profile), and Single Audit Reports.

On August 6, WMATA released a new report marking three years of safety and reliability investments since the start of dedicated capital funding. In this report, the agency noted that it provides substantially safer and more reliable service and dramatically fewer train delays since the dedicated funding was provided to address a backlog of critically needed safety and reliability improvements. The report marks the halfway point of its first six-year capital program with dedicated funding, a coordinated effort to rehabilitate critical infrastructure and systems while establishing an annual program of preventive track maintenance.

4) Measures Necessary to Better Ensure the Safety of Riders and Employees

Washington Metrorail Safety Commission (WMSC): The safety of WMATA's riders continues to be of utmost importance to my office, and the Commonwealth fully supports all of the actions the WMSC has taken over the last several months to ensure rider safety.

On August 3, the WMSC announced that WMATA agreed in July to share access to its closed-circuit television system (CCTV) in response to the WMSC's first ever Commission Order in June requiring such access. It began sharing access during the week of August 9. WMATA had previously objected to giving the WMSC full access because it wanted to preserve footage relevant to its own investigations and it had expressed concern with cybersecurity risks associated with sharing live surveillance. WMATA had pledged to provide the WMSC with footage it wanted while reserving the right to control access, but the WMSC will now have direct access via the dedicated CCTV network.

On August 13, the WMSC issued a finding requiring Metrorail to develop and implement systemic corrective actions to ensure that required safety certification processes are followed moving forward and to mitigate hazards related to specific projects that have been put into service without incorporating these layers of safety. Metrorail was required to propose a specific corrective action plan within 30 days.

On August 31, WMSC issued an audit report of the agency's Fitness for Duty Program for its safety-sensitive employees. The report included 11 findings and four audit recommendations. Many of the findings relate to the absence of policies and procedures and documentation of employee Fitness for Duty. However, some findings relate to non-compliance in the areas of timely and required physical exams, rest period requirements in the Fatigue Risk Management Policy, compliance with hours of service requirements, required drug and alcohol testing, and requirements to remove employees from service for positive drug and alcohol test results in a timely manner. The WMSC required Corrective Action Plans to address the audit findings and recommendations.

The WMSC released a railcar safety audit report on September 14 that stated that poor recordkeeping and failing to follow safety procedures directly contributed to the separation of two trains in 2020. The audit focused on the 6000 series railcars, which were taken out of service in late 2020 after the train separation incidents and are now being phased back in to Metrorail service following inspections and relevant repairs. WMATA had 30 days to respond to the audit findings.

At its most recent monthly meeting on September 21, the Commission adopted ten investigative reports on safety events. One report involved a train that went down the wrong track at Foggy Bottom, due in part to poor training. There were three reports involving improper roadway worker protection, and two reports involved serious injuries including a customer who fell between two railcars while using the

prohibited emergency access door. The WMSC transmitted a traction power audit and plans to transmit an emergency medical service (EMS) and fire/life safety audit next month. The WMSC is preparing for a rail operations audit next and begins interviews in October.

While outside the reporting period, I want to address an incident that occurred in October. On October 12, a southbound Metrorail Blue Line train derailed in a tunnel between Rosslyn and Arlington Cemetery in Virginia with 187 passengers on board. There were no serious injuries reported. Blue Line service was immediately suspended until October 15. NTSB initiated an investigation on October 13, joined by WMATA, WMSC, FTA and the ATU; and it found that an axle on one of the 7000 Series railcars in the derailment was out of compliance with 7000 Series specifications for the wheel and axle assembly. Additional 7000 Series railcar inspections conducted after the derailment found similar defects in 7000 Series railcars not involved in the derailment. On October 17, WMSC issued an order removing all 7000 Series railcars from service until WMATA can implement a plan providing for their safe return. WMATA is currently working on that plan with the WMSC.

5) Legal and organizational structure of WMATA

6) Composition and qualifications of the WMATA Board of Directors and the length of terms of its members

Board Membership: Chapter 429 of the 2018 Acts of Assembly directed the Secretary of Transportation to conduct a review of the Board of Directors membership provisions to determine whether the criteria used for membership eligibility serves the Commonwealth's best interests, and to determine whether any changes to such representation can be made without an amendment to the Compact. DRPT determined that existing requirements regarding Commonwealth representation on the Board sufficiently serves the best interest of the state.

Board Chair Paul Smedberg swore in a new Principal Director representing Maryland, Colonel Donald Drummer, at a Special Board Meeting on July 15. Also this quarter, three new Board members representing the Federal Government were sworn in at a Special Board Meeting on September 9: i) Sarah Kline, a DC-based transportation consultant and former WMATA Director of Government Relations; ii) Kamilah Martin-Proctor, a disability advocate; and iii) Bryna Helfer, an Assistant County Manager for Arlington County and former USDOT official from 2010 to 2016.

Thank you for your continued support. Please let me know if you have any questions or comments.

With warmest regards,



Shannon Valentine