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RAILROADS, PIPELINES, AND HAZARDOUS
MATERIALS

Congress of the United States
House of Representatives
Washington, DC 20515

September 4, 2018

K. Jane Williams
Acting Administrator
Federal Transit Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Ms. Williams:

I write today to urge the Federal Transit Administration (FTA) to examine as soon as possible the Maryland State Safety Oversight (SSO) Program's oversight of *both* the deficiencies in the Maryland Transit Administration's (MTA) Metro Subway operations identified by a peer review panel *and* of the MTA's corrective actions.

Last week, the American Public Transportation Association (APTA) released a Peer Review Report providing the results of a peer review of the MTA Metro Subway's operations conducted in late April of this year by the North American Transit Services Association at the MTA's request. The Peer Review Report provided several dozen observations and recommendations to improve MTA's operations. Among the many troubling observations were the following:

- "Slow Orders are currently being implemented verbally and in some cases are not adhered to at all by train operators;"
- There is a "lack of in-department track engineering expertise as well as inadequate track inspection training and no track recertification;"
- There is also a "lack of in-department signal and power engineering expertise and inadequate signal and power training with no periodic recertification;" and
- Regarding signal and power systems, "relay testing is out of compliance in some places by more than two review cycles;" in some cases, "work orders were not completed;" and "[t]here is no policy in place for the reporting and recording of signal system anomalies."¹

It is unclear how long the deficiencies in the Metro Subway's operations identified in April by the peer review panel have existed. However, just one month after the peer review that found these deficiencies was conducted, the Maryland SSO Program was certified by the FTA as

¹ American Public Transportation Association, "FINDINGS OF A PEER REVIEW PANEL CONDUCTED BY THE NORTH AMERICAN TRANSIT SERVICES ASSOCIATION (NATSA) ON Baltimore MTA Subway Link" (online at https://mta.maryland.gov/sites/default/files/metro-reports/Baltimore_MTA_Peer_Review_Final_Report_2018.pdf).

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compliant with the federal State Safety Oversight Program Rule. Following the certification, the Maryland SSO Program will now be “responsible for providing safety oversight of the Maryland Transit Administration’s heavy and light rail systems in Baltimore.”²

According to the FTA, to be eligible for certification, a State’s SSO Program must have an agency that “adopts and enforces relevant federal and state safety laws, has investigatory authority, and has appropriate financial and human resources for the number, size and complexity of the rail transit systems within the state’s jurisdiction” and that has personnel who are “appropriately trained” to perform safety oversight functions.³

I urge the FTA to determine whether the Maryland SSO Program was aware of the deficiencies identified in April of this year by the peer review panel (1) prior to FTA certification of the SSO Program and (2) prior to the release of the Peer Review Report. FTA should also examine whether the SSO had issued any corrective action plans to address any of the deficiencies, and if so, whether the SSO had sought to enforce compliance with any corrective action plans.

In addition, FTA should review the steps that the SSO will be taking to oversee the resolution of all deficiencies identified by the peer review panel – and ensure that the SSO does indeed have the financial and human resources and technical expertise it needs to be able to identify and require corrective actions to resolve any other deficiencies that may exist on the MTA’s fixed rail systems.

The deficiencies in the MTA’s operations identified by the APTA peer review panel are deeply disturbing and require immediate corrective action. It is critical that FTA confirm whether the Maryland SSO Program it has certified to oversee safety on Maryland’s fixed rail transit systems can fully and adequately ensure the safe operation of these systems, including overseeing the resolution of the many operational deficiencies identified in the APTA peer review study.

I appreciate your consideration of this request.

Sincerely,



Elijah E. Cummings
Member of Congress

² Federal Transit Administration, “FTA Announces Certification of State Safety Oversight Program For Maryland Ahead of Important Deadline,” (May 15, 2018) (online at www.transit.dot.gov/about/news/fta-announces-certification-state-safety-oversight-program-maryland-ahead-important).

³ *Id.*