

**TRANSPORTATION AND HOUSING AND URBAN
DEVELOPMENT, AND RELATED AGENCIES
APPROPRIATIONS FOR FISCAL YEAR 2011**

WEDNESDAY, MAY 19, 2010

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 4:09 p.m., in room SD-138, Dirksen Senate Office Building, Hon. Patty Murray (chairman) presiding.
Present: Senators Murray and Mikulski.
Also present: Senator Cardin.

**WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
STATEMENT OF HON. PETER BENJAMIN, CHAIRMAN, BOARD OF DI-
RECTORS**

OPENING STATEMENT OF SENATOR PATTY MURRAY

Senator MURRAY. Good afternoon. This subcommittee will come to order.

Our apologies for being late this afternoon, we are having votes on the floor and could not get here in time. So I apologize to all of our witnesses and all those who are here, but we are here and ready to go.

And this afternoon, we are holding a hearing on the President's budget request for the Washington Metropolitan Area Transit Authority [WMATA]. We are going to be hearing testimony from Senator Cardin. He is going to be joining us here in just a few minutes.

We will have two panels. The first panel following Senator Cardin will include the Chairman of WMATA Board of Directors, Mr. Peter Benjamin, and Mr. Richard Sarles, the Interim General Manager.

The second panel will consist of three witnesses: Ms. Jackie Jeter, who is the president of Local 689 of the ATU; Mr. Jack Corbett, director of MetroRiders.org; and Mr. Francis DeBernardo, chairman of the Riders' Advisory Council.

I want to welcome all of our witnesses at this time and really appreciate your being here today.

Metro has often been called the jewel of the Washington, DC area's transportation system. It is a web of rail and bus lines that reaches into almost every neighborhood across the region. On a typical work day, it carries passengers on more than 1.2 million trips, making it the second-largest heavy rail and sixth-largest bus transit system in the Nation.

Its trains and buses cross two States and the District, offering mobility, reducing congestion, and reducing air pollution. For those neighborhoods clustered around its stations, it is a proven engine for economic development. Its difficulties—management, financial, and especially safety—have been deeply troubling to this subcommittee, which have long been a champion of public transit and strong supporter of Metro.

In the past year, 13 people have died in 4 separate accidents at Metrorail, including 8 passengers and 5 employees. All of these accidents were preventable, which is a tragic indictment of management and the agency's safety culture.

Like many other transit systems around the country, Metro faces a severe operating budget shortfall, and its Board of Directors is considering significant fare increases that are required to restore the system's financial footing. Given the need to also replace much of Metro's aging rail fleet, parts of which date to the 1970s, and upgrade its track signaling systems, fare increases and other steps to increase revenues and control costs are unavoidable. They are also essential to any future growth of the system since financial stability is a key requirement for support from the highly competitive New Starts program administered by the Federal Department of Transportation.

Tackling these challenges is the responsibility of Metro's board and its new interim general manager, Mr. Sarles, and they clearly have their work cut out for them. Just 2 weeks ago, we saw communications delays and confusion over what could have potentially been a serious incident at Wheaton station.

That said, I am encouraged by the efforts to restore a culture centered on safety, where safety is considered and factored into every decision concerning operations. In recent weeks, Metro has hired a new Chief Safety Officer committed to filling key vacancies in its Safety Division, taken steps to increase track worker safety, and committed to address the findings of the FTA's highly critical review by the end of the summer.

It is still early, and changing any complex organization, even one with large numbers of dedicated workers such as Metro, does not happen quickly. Metro's problems did not develop overnight, and some solutions will require time and commitment. For that reason, Metro must be relentless on this point. Its passengers, employees, and the taxpayers will expect nothing less.

The real test for Metro's new leadership will be its ability to demonstrate continued progress, the most visible sign of which will be the absence of further accidents, as well as upgrading the system to better serve its riders. The Federal Government is supporting Metro's efforts to right itself, both through the technical assistance provided by the Department of Transportation, as well as through direct appropriations.

Last year, Congress provided almost \$200 million in stimulus funding on top of the \$239 million in formula and bus grant funding awarded to Metro. For fiscal year 2010, Congress added a further \$150 million to support Metro capital and preventive maintenance expenses, focusing on those investments that most improve safety. This was in addition to the \$85 million appropriated for the Dulles airport extension.

I was pleased to see the administration continue both investments in Metro in its fiscal year 2011 budget, with another \$150 million requested for capital expenses and \$96 million for the Dulles extension. I trust this strong demonstration of support will encourage Metro's three funding partners to continue to meet their responsibilities toward the system as well.

During this hearing, we will have the opportunity to look into these important issues. It is impossible to imagine the Washington region without Metro. It has transformed the city and the region, and we owe it to present and future generations to not just maintain it, but to make it better.

So I look forward to the testimony today, and I want to thank Senator Mikulski, who has been absolutely wonderful in helping us put this hearing together. Her adamant support of the system and making sure it works right is a real tribute to her work as a Senator from Maryland. And I am delighted she is here today.

Senator Mikulski.

STATEMENT OF SENATOR BARBARA A. MIKULSKI

Senator MIKULSKI. Thank you very much, Chairwoman Murray.

I want to thank you for holding this very important hearing on the WMATA budget.

I know that we will be very shortly joined by Senator Cardin, and I want to thank those in the audience for their patience while we were working through some parliamentary quagmire on the financial service bill.

We want to thank you for your courtesy to allow us all to participate. As a member of the subcommittee, we appreciate that you have expanded it. Senator Warner is on the Banking Committee and is on the floor with Senator Webb. We hope they will join us.

But Senator Murray, I also would ask unanimous consent, before I begin my remarks, to put into the record a letter from Governor O'Malley. Governor O'Malley wishes to inform you through me that he is committed to providing Maryland's full share for the regional funding to match the statutory Federal investment in WMATA.

There was some confusion about that. He wanted to assure you in the strongest possible way that Maryland will meet its commitment. However, he does call for budget reform with WMATA and encourages that they go to a 6-year capital program, updates on their budget process, and so on. I would like to discuss that with you at a later time, but I ask unanimous consent that the Governor O'Malley letter be in the record.

Senator MURRAY. The letter will be put into the record.

[The information follows:]

OFFICE OF THE GOVERNOR,
State of Maryland, May 18, 2010.

The Honorable BARBARA A. MIKULSKI,
United States Senate,
503 Hart Senate Office Building, Washington DC 20510.

DEAR SENATOR MIKULSKI: The State of Maryland is committed to providing its full share of the regional funding to match statutory Federal investment in the Washington Metropolitan Area Transit Authority (WMATA). In order to qualify for \$1.5 billion in Federal funding dedicated for WMATA system preservation over 10 years, the Maryland Department of Transportation (MDOT) Consolidated Transportation Program (CTP) reflects annual on-going contributions of \$50 million—100 percent of our share of the region's matching funds.

To ensure these funds are programmed and managed responsibly, we and our partner jurisdictions are calling for WMATA to develop and implement a capital programming process much like the one the MDOT has used for over 30 years. The key elements of the process include:

- A 6-year capital program period;
- Formal annual updates as part of the budget process; and
- Quarterly reviews focusing on project cost, schedule and scope changes, updated project cash-flow projections, and revised estimates of overall capital program components.

I thank you for your efforts to secure dedicated Federal funding for WMATA as we all work to ensure the safety, security and reliability of transit in the national capital region. We were the first of the three jurisdictions to program our matching funds, have always fulfilled our funding commitments to WMATA, and assure you that WMATA funding will continue to be a top priority for Maryland in the years ahead. For further information, you may contact me at any time or direct your questions to MDOT Secretary Beverley K. Swaim-Staley at 410-865-1001.

Sincerely,

MARTIN O'MALLEY,
Governor.

Senator MIKULSKI. And to assure you of that.

Also, Senator Murray, there was concern, and I would want to work with you on this, that as we go forward with our statutory requirement of \$150 million, that States and localities do not reduce their money. That this money was in addition to the contributions that were pledged by State and local governments. So we are in addition to. We are not in lieu of what either Maryland, Virginia, or the District of Columbia, the Virginia localities would contribute.

As we work on this bill, I would like to talk with you about a requirement that there be maintenance of effort by all of those who are signatories to their original agreements.

Senator MURRAY. I would be happy to discuss that with you.

Senator MIKULSKI. But, you know, we need the will, a wallet, and a way. While often this hearing focuses on the wallet, we have to talk about what is the way forward, and do we have the will and the methods to accomplishment?

You rightly have identified that Metro's safety and operational reliability is absolutely critical. It affects daily riders for those who come to the Capital, for those who commute from within the region, or others who come from around the world. It is important to those who work at the Metro, operating the trains, fixing the tracks, managing the stations.

Madam Chair, you have to know, and others, that we have been very impatient with Metro; we don't want any more promises, memos, or laundry lists. We need action on safety. I hope at today's hearing we can get into the specifics of what Metro has done already to improve safety? What do they plan to do? And how have we made progress?

I would hope that we could get into their measurements in metrics to really identify, have they made progress in both improving their safety systems, the personnel involved in the safety systems, and in the leadership and the changing of the culture. You might be interested to know that Metro has no line item in its budget for safety, or maybe it has been recently added as a result of some of the new initiatives that we have encouraged them to take.

Like you, I am very impatient over the fact that it has been almost 1 year since the deadly crash at Metro. Thirteen more people have died: eight Metro riders; and five Metro employees. These aren't numbers. These aren't statistics. These are human beings.

We have had audits. We have reports. We have recommendations. We need action. Audits, reports, and recommendations are a pathway, but now we need action.

I remain just as worried about the safety of Metro as I was last June. We are now 11 months from that tragic crash, and we need to have a sense of urgency. What results does Metro have to show? The Federal Transit Administration [FTA] audit found persistent, ongoing, and systemic problems, and a Metro Safety Department, actually, initially barely functional.

At various points, Metro leadership was ignorant of safety when they made budget decisions, and also they were not getting regular safety reports. So, today, I hope we can see what is the change, how has it changed, and for the Federal Government's contribution of \$150 million, what kind of change are we going to get for their money?

Madam Chair, I want to acknowledge, both to you and to all here, all of us need to be safety officers. It is not only the people who operate who are charged at the Metro, but also all of us—those of us who fund it, and those of us who have political responsibility for it. We all need to commit ourselves to being safety officers.

We need to know, as I said, what has Metro done to improve the safety, implement the FTA audit recommendations, and what are the mechanisms they have in place to measure their performance?

Metro is America's subway. This is an annual dedicated funding that is authorized. We ask you to continue the \$150 million Federal contribution, but for our money, we want safety, operational reliability, and a way that will also be sustained. We really do want to insist on those outcomes.

Senator MURRAY. Senator Mikulski, thank you so much for your opening statement.

I know we are waiting for Senator Cardin. He will be here in just a minute. I would like both of our first witnesses, Mr. Sarles and Mr. Benjamin, to come up to the table, and we will take their testimony while we are waiting for Senator Cardin to do that.

I am going to have to apologize. I have been called back over to the floor, Senator Mikulski. And I will ask Senator Mikulski to chair this hearing and to take the testimony. And if I am not able to return in time, Mr. Sarles and Mr. Benjamin, I do have questions from the subcommittee that I will submit to you for writing.

But Senator Mikulski, if you would not mind, if I could turn the chair over to you for a short while here?

Senator MIKULSKI. Be happy to do it. If you can come back, we will look forward it. If not, we will move expeditiously.

Senator MURRAY. Okay. With that—

Senator MIKULSKI. Mr. Benjamin and Mr. Sarles. Mr. Sarles is the Interim General Manager, and Mr. Benjamin is the Chairman of the Board.

Senator MURRAY. Thank you.

Senator MIKULSKI [presiding]. Okay. Thank you.

You may proceed.

STATEMENT OF HON. PETER BENJAMIN

Mr. BENJAMIN. Senator Mikulski, the comments that you have made and those by Chairman Murray are exactly right, and I am not sure that I can say them much better. I will try anyway to give my testimony.

I am honored to appear before you today as the Chairman of the Board of Directors of the Washington Metropolitan Area Transit Authority. Metro's General Manager, Richard Sarles, will cover this agency's specific initiatives with regard to improved safety and service. I would like to provide the context for Metro's fiscal year 2011 appropriations request by giving the subcommittee some background about the Metro system and our capital needs.

First, let me quote from a letter which President Lyndon Johnson wrote to Congress in 1965. "The problem of mass transportation in the Washington area is critical. It is also a problem in which the Federal Government has a unique interest and responsibility. Improved transportation in this area is essential for the continued and effective performance of the functions of the Government of the United States, for the welfare of the District of Columbia, and for the orderly growth and development of the national capital region."

In 1966, Congress responded by authorizing the creation of the Washington Metropolitan Area Transit Authority as an interstate compact. Today, the Federal Government is uniquely dependent on Metro, something that distinguishes Metro from other U.S. transit systems. One-half of all Metro stations are located at Federal facilities, and over 40 percent of peak ridership consists of Federal employees.

A quick listing of some of our rail stations demonstrates Metro's close connection to the Federal Government—Federal Triangle, Smithsonian, Capitol South, Navy Yard, Pentagon, and Arlington Cemetery, to name a few. The Federal Government is particularly reliant on Metro for special national events, such as inaugurals and state funerals, transportation of visitors to the Nation's capital, and persons doing business with the Federal Government.

Without Metro, it is hard to imagine how this region would have handled the massive influx of visitors who came to attend the inauguration of President Obama in January 2009. Federal disaster recovery plans in this region rely heavily on Metro, and Metro played a key role on September 11 in moving people out of the downtown core.

Congress recognized the Federal Government's unique relationship with Metro when it passed the Passenger Rail Investment and Improvement Act of 2008, PRIIA, which authorized \$1.5 billion for Metro's capital and preventive maintenance needs to be equally matched by Metro's State and local funding partners.

I want to thank this subcommittee and your colleagues in Congress for appropriating the first installment of that authorization last year. We are requesting that another \$150 million be appropriated in Federal fiscal year 2011, as provided for in the President's fiscal year 2011 budget.

PREPARED STATEMENT

On behalf of Metro's Board of Directors, I thank you for your long history of support for Metro and your leadership in providing funding for the rehabilitation of Metro facilities and the replacement of Metro equipment. It is no understatement to say that just as the Federal Government depends on Metro, the future of Metro depends upon the Federal Government and the funding authorized under PRITA.

Thank you for allowing me to testify today. I look forward to answering your questions.

[The statement follows:]

PREPARED STATEMENT OF HON. PETER BENJAMIN

Madam Chairman, Ranking Member Bond, and members of the subcommittee, I am honored to appear before you today as the Chairman of the Board of Directors of the Washington Metropolitan Area Transit Authority (Metro). Metro's General Manager, Richard Sarles, will cover the agency's specific initiatives with regard to improved safety and service. I would like to provide the context for Metro's fiscal year 2011 appropriations request by giving the subcommittee some background about the Metro system and our capital needs.

METRO SERVES THE FEDERAL GOVERNMENT

The problem of mass transportation in the Washington area is critical. It is also a problem in which the Federal Government has a unique interest and responsibility . . . improved transportation in this area is essential for the continued and effective performance of the functions of the Government of the United States, for the welfare of the District of Columbia, [and] for the orderly growth and development of the National Capital region.—President Lyndon Johnson, 1965 letter to Congress.

It may surprise you to learn that Metro's relationship with the Congress began over 100 years ago, just a few yards away from where we are sitting today. In 1906, when the subway was built connecting the U.S. Capitol to the Senate Office Building (now the Russell Building), people started thinking about building a subway for the city. The Washington Post published an article in 1909 titled, "Why Not a Real Subway System for Washington?" A 1931 Post article included a map of downtown Washington showing possible subway routes.

In 1955, Congress became directly involved in the discussion, and approved \$500,000 to have the National Capital Planning Commission conduct a "Mass Transportation Survey" for the Washington region. The results of that survey led to passage of the National Capital Transportation Act of 1960, which created an independent Federal agency to plan a regional system of highways and mass transit to serve the Nation's Capital. In 1966, Congress authorized the creation of the Washington Metropolitan Area Transit Authority as an interstate compact agency of the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to plan, finance and construct a rail transit system for the region, and early the following year Metro was "born."

Today, the Federal Government is uniquely dependent upon Metro, something that distinguishes Metro from other U.S. transit systems. One-half of all Metrorail stations are located at Federal facilities, and about 40 percent of peak ridership consists of Federal employees. A quick listing of some of our rail stations demonstrates Metro's close connection to the Federal Government: Federal Triangle, Smithsonian, Capitol South, Navy Yard, Pentagon, and Arlington Cemetery, to name a few. It is not surprising that in 2005, a "Blue Ribbon" report found that the Federal Government, the region's largest employer, is the "largest single beneficiary" of Metro.

The Federal Government is particularly reliant on Metro for special national events such as inaugurations and State funerals, transportation of visitors to the Nation's Capital and persons doing business with the Federal Government. Without Metro, it is hard to imagine how this region would have handled the massive influx of visitors who came to attend the inauguration of President Obama in January 2009. Metro carried 1.5 million riders on Inauguration Day, providing attendees with a convenient—albeit crowded—transportation alternative.

Federal disaster recovery plans in this region rely heavily on Metro, and Metro played a key role on September 11, 2001, in moving people out of the downtown

core. People were able to rush home to their families because Metro employees stayed on the job, operating trains and buses, staffing stations, and coordinating service from a command center. Other Federal plans, such as the BRAC-related consolidation of Walter Reed Army Medical Center and Bethesda Naval Hospital, also depend upon Metro; the consolidated facility, which will serve tens of thousands of patients and visitors annually, will be located at the Medical Center Metrorail station.

In fact, it is fair to say that Metro is the backbone of daily Federal Government operations. During the recent snowstorms, when it was impossible to operate Metrobuses safely on surface streets and to run Metrorail trains on above-ground tracks, the Federal Government decided to close. With well over 100,000 Federal employees regularly commuting by Metro, and thousands of others using Metro to access Federal facilities every day, the Federal Government depends heavily upon the system.

METRO'S CAPITAL NEEDS

Congress recognized the Federal Government's unique relationship with Metro when it passed the Passenger Rail Investment and Improvement Act of 2008 ("PRIIA", Public Law 110-432), which authorized \$1.5 billion for Metro's capital and preventive maintenance needs, to be equally matched by Metro's State and local funding partners. I want to thank this subcommittee and your colleagues in Congress for appropriating the first installment of that authorization last year. We are requesting that another \$150 million be appropriated in Federal fiscal year 2011, as provided for in the President's fiscal year 2011 budget request.

Why is this funding so important to Metro? Because we have a 34-year old rail system, which is not like it used to be when it was new. It has old rail cars, track bed, power equipment, and communications systems. More than one-half of our bus garages are over 50 years old and some buses are 15 years old. As the equipment and facilities age they become less reliable, break down more often, and need more maintenance. We have to replace our tracks, trains, and buses, and must rehabilitate our stations, bridges, and maintenance facilities. We have 30-year-old ventilation, lighting, and communications systems which must be maintained or replaced. Some of our station platforms are crumbling, our escalators and elevators need major repairs, and water is leaking into our tunnels. We must do all of the work required while providing service to hundreds of thousands of customers daily.

We have been fortunate in that our funding partners—the Federal Government as well as the State and local jurisdictions that we serve—have demonstrated strong support for Metro's capital program. As a result, Metro has been able to build out and operate a full 106-mile rail system, run a fleet of 1,500 buses, and provide paratransit service to thousands of customers with disabilities. We have also been able to make a number of critical investments in the system, including, for the first time, running 8-car trains. (When the Metro system first opened in 1976, we ran 4-car trains—hard to imagine today!)

Going forward, however, Metro needs increased investment to keep the system in a state of good repair. We are currently developing our capital program for the next 6 years. I expect that our State and local funding partners will not only continue, but will increase, their current level of funding to Metro, and in addition will match the new Federal funding stream authorized in PRIIA. The PRIIA funding itself is essential not just to leverage these additional contributions, but to help us at Metro address our most critical needs, such as replacing our oldest rail cars and rehabilitating our oldest segments of track.

I hope that I have made clear why this funding is important to Metro. I hope that it is also clear why this funding should be important to the Congress. The PRIIA funds will allow us to make urgently needed investments in the aging infrastructure of our system so that we can continue to provide Federal employees, residents of the metropolitan area, and visitors to the Nation's capital from across the Nation and around the world, with safe and reliable service. Annual appropriations under PRIIA are essential if we are to keep our system in a state of good repair.

On behalf of Metro's Board of Directors, I thank you for your long history of support for Metro and your leadership in providing funding for the rehabilitation of Metro facilities and replacement of Metro equipment. It is no understatement to say that just as the Federal Government depends upon Metro, the future of Metro now depends upon the Federal Government and the funding authorized under PRIIA. Thank you for allowing me to testify today, and I look forward to answering the subcommittee's questions.

Senator MIKULSKI. Mr. Sarles, before I call upon you, may I recognize Senator Cardin.
Senator Cardin.

STATEMENT OF SENATOR BENJAMIN L. CARDIN

Senator CARDIN. Thank you, Madam Chair. Senator Mikulski, thank you very much. You don't have to leave the table. I don't mind being associated with Metro, I'm a big supporter of the Transit Authority.

As Senator Mikulski knows, we were interrupted because of some votes, and I apologize for being a few minutes late. But I would ask consent that my full statement and letter that I authored to President Obama in December be made part of the record.

[The statement follows:]

PREPARED STATEMENT OF SENATOR BENJAMIN L. CARDIN

Thank you Chairman Murray and Ranking Member Bond for holding this hearing, and thank you Sen. Mikulski for inviting me to address the subcommittee about the Federal Government's increased commitment to invest in the Washington Metropolitan Area Transit Authority.

Last year, the Greater Washington Congressional Delegation fought hard for the much needed transportation appropriation we secured for WMATA. In working with the members of this subcommittee and the full committee we were able to get it done and for that I am grateful. I appreciate that the appropriators recognize the important role Metro plays in the function of the Federal Government, including Congress.

In December, I read a letter to President Obama urging him to include Metro in his budget. I ask for unanimous consent that a copy of this letter signed by Senators Mikulski, Webb, Warner and me be submitted for the record. I applaud and support the administration's request of \$150 million in fiscal year 2011 for Metro.

This demonstrates the President's commitment to smart growth, his recognition that it is in the Federal Government's interest to alleviate and not contribute to terrible traffic congestion in the Greater Washington Area—ranked the 2nd worst in the United States only behind Los Angeles, how integral a part of the region's transportation network Metro is and more broadly how transit fits into the Nation's transportation goals for the future. His budget request for Metro is in keeping with the October 9, 2009 Executive Order (No. 13514) on Federal Sustainability and the administration's efforts to reduce the Federal Government's carbon footprint, including its workforce.

It also shows the administration's recognition of how important Metro and "America's Subway" system is to the function of the Government. We learned from this February's snowstorms that the Federal Government in fact cannot function without Metro. The Office of Personnel Management based its decision to shutdown the Federal Government on WMATA's inability to operate above-ground rail lines during the storms. This not only points out the Federal Government's reliance on Metro, but also highlights Metro's lack of resources to operate in weather conditions that other city transit systems like Chicago, New York or Boston could work through.

Every work day, Metro provides tens of thousands of Federal employees rides to work. During peak ridership, more than 40 percent of riders on Metro are Federal employees and 10 percent of the overall ridership serves Congress and the Pentagon alone. Metrorail's alignment was designed to serve the Federal Government, with more than one-half of the system's stations located at or near Federal buildings. GSA has also established guidance that requires all new Federal facilities in the Greater Washington Area be Metro Proximate.

I believe that the Federal Government has a clear financial interest in the operation of Metro. Likewise, I believe the Federal Government must play a greater role in ensuring the safety of Metro for its riders and employees.

Safe and reliable operation of the Metro System is a top priority for me and the Greater Washington Area delegation.

Revelations from the March NTSB hearing into the ongoing investigation of the June 22, 2009, fatal accident on the Red Line near Fort Totten, as well as discoveries made by the FTA through its Safety Audit of WMATA provided overwhelming

evidence that Metro needs to look inward and make serious efforts to revise its approach to operating the system safely.

Metro needs to work hard to establish a culture of safety that starts from the General Manager office and the Board of Directors on down through the various leaders of departments within WMATA and throughout the system's operators.

We have heard directly from interim General Manager, Richard Sarles, and Board Chairman Peter Benjamin about the changes being made at Metro to improve safety. However, during our meeting last week in Senator Mikulski's office, on the afternoon of May 5, there was an emergency braking situation on the Red Line in Wheaton. The incident was not reported to the Tri-State Oversight Commission within 2 hours of the incident, as per WMATA's protocol, nor was the Board or General Manager immediately informed of the incident.

I appreciate how forthcoming WMATA is with information surrounding this incident after the fact. I am pleased to know that even though the train operator may not have needed to take the actions he did, that he is not being punished for being cautious and causing the disruption. That said, this incident reveals that lapses in protocol are still an issue at WMATA.

I am committed to working with my congressional colleagues, the Federal Transit Administration and the leadership at the Washington Metropolitan Transit Authority to make safety an operational priority at Metro and restore public confidence in the system. I want more than just verbal commitments to improve safety from WMATA and I want to see measurable results.

If the Federal Government increases its investment in the system, it should also increase its oversight of operations and capital projects, so as to ensure that tax dollars are being well spent. I am confident that we will find a way forward through:

- Increased Federal regulatory authority and oversight, as called for by the FTA;
- and

- Increased openness and transparency at WMATA.

The FTA is prohibited by law from establishing national safety standards, requiring Federal inspections, or dictating operating practices. However, Senators Dodd, Menendez, Mikulski, and I introduced The Public Transportation Safety Program Act that will require the Transportation Secretary to establish and implement a comprehensive Public Transportation Safety program.

This legislation will give the FTA the ability to take decisive actions such as conducting inspections, investigations, audits, examinations of (Federally funded) public transportation systems. This legislation establishes the type of safety enforcement authority for the FTA that already exists within the Federal Railroad Administration's authority over safety rules for commuter rail systems or the Federal Motor Carrier Safety Administration's ability to establish enforceable safety guidance for commercial truck drivers.

It makes sense for public transit systems that receive Federal funding to meet Federal safety requirements set by the FTA. It makes even more sense to grant FTA a degree of Federal authority to establish safety guidance, particularly when it comes to WMATA, given Metro's unique relationship to the Federal Government.

In July 2009, FTA Administrator Peter Rogoff, in testimony before the House Oversight and Government Reform Committee made special note of the fact that WMATA does not have a dedicated revenue stream, rather it relies heavily on Congressional Appropriations which may fluctuate from year to year.

While the President's request for \$150 million for Metro is an example of such special appropriations, it sends an important signal that the Federal Government recognizes the need to invest in Metro.

Fortunately, Congress has taken an important step forward to remedy this situation. The Senate recently passed a new Metro Compact further advancing the final step in authorizing a 10 year \$1.5 billion authorization providing Metro with a dedicated funding stream to ensure the safe and efficient operation of the system.

For years, while Metro was a relatively new transit system, Metro was the epitome of safe, reliable and modern public transit. After 34 years of operation, the results of placing disproportionate resources toward growing the system rather than attending to the growing backlog of repairs and maintenance needs of the existing infrastructure, Metro's age is taking its toll on the safe operation and function of the system.

Metro must reevaluate its operational priorities. It is one thing to develop detailed plans to improve safety, and yet another to do what FTA Administrator Rogoff noted in the FTA's Safety audit, and that is to change the business culture at Metro to take safety seriously and execute these new safety measures. Metro provides a vital service to the Government and the region and I stand ready to help improve the system.

I thank the chair and Senator Mikulski for inviting me here today. I urge the subcommittee to include the President's fiscal year 2011 budget request for Metro in the fiscal year 2011 THUD Appropriations bill.

UNITED STATES SENATE,
Washington, DC, December 10, 2009.

The Honorable BARACK OBAMA,
President of the United States,
The White House,
Washington, DC 20500.

DEAR MR. PRESIDENT: As you make final preparation for the submission of your fiscal year 2011 budget, we request that you provide \$150 million to the Washington Metropolitan Area Transportation Authority (WMATA), the full amount authorized in the National Capital Transportation Amendments Act, included as title VI of division B of Public Law 110-432. This is a vital issue to both the effective and efficient functioning of the Federal Government as well as to the entire Washington, DC metropolitan area. WMATA's compact jurisdictions are committed to providing 50 percent matching funding.

For the first time, both the U.S. Senate and the U.S. House of Representatives have included \$150 million in appropriations for WMATA. This is the first installment of funding to support a 10 year authorization for the Washington region's transit system. We urge that your administration's fiscal year 2011 budget build on Congress's effort to provide WMATA with essential funding to maintain and improve systems operation.

Sometimes known as "America's Subway," WMATA was created in 1966 primarily to serve the Federal Government. Many Metrorail stations were built at the request of the Federal Government, and nearly one-half of all stations are located at Federal facilities. Federal employees comprise 40 percent of WMATA's peak ridership, and millions of others use the WMATA system (Metrorail, Metrobus, and WMATA's paratransit program: MetroAccess) each year to visit the Nation's Capital or conduct business with the Federal Government.

WMATA is also a critical component for ensuring continuity of Federal Government operations during an emergency, and Federal recovery plans rely heavily on WMATA, which played a key role on September 11, 2001. Another key indicator of how important the system is to the functioning of the Nation's capital, WMATA handled 1.5 million trips in a single day during this year's inauguration and was the most viable transportation option during this event. For all of these reasons, Congress saw fit to provide a unique authorization for WMATA, recognizing the special responsibility the Federal Government has to the Metro system.

Before the enactment of this legislation last year, WMATA operated the only major transit system in the country without a source of dedicated revenue. The result has been a system with burgeoning needs and shrinking resources. Recent fatal tragedies on Metrorail underscore the need for infrastructure repair and maintenance to ensure the safe operation of this aging system.

The \$150 million in capital funding is for projects included in WMATA's Capital Improvement Program and approved by WMATA's Board of Directors. The funds will be used to maintain the transit system in a state of good repair, including vehicles, facilities, and infrastructure. All of the funds are for capital improvements and none may be used for operating expenses.

The enabling legislation provides, for the first time, two seats on the Board of Directors for the Federal Government, represented by the General Services Administration. For this reason, we recommend that the funding be provided through the GSA portion of your budget submittal. This is a unique Federal obligation related to the operations of the Federal Government, and this seems an appropriate place in the budget to demonstrate that relationship clearly. Regardless of its placement in the budget, however, we urge you in the strongest terms to include this essential

funding in your fiscal year 2011 submission. It is vital to the region and the Nation. We believe it warrants your strong support.

Sincerely,

BENJAMIN L. CARDIN,
United States Senator.

BARBARA A. MIKULSKI,
United States Senator.

JIM WEBB,
United States Senator.

MARK WARNER,
United States Senator.

Senator CARDIN. And Senator Mikulski, I want to thank you particularly for keeping our regional delegation focused on the importance of Metro, Metro funding, and the Federal Government's partnership with our Nation's subway system that is here and our transit system that is so important to the Federal Government.

We fought hard, our regional delegation, last year to get \$150 million put into the budget. It wasn't easy. And I want to thank the appropriators for making those funds available. It is critically important. And I strongly support President Obama's budget that adds \$150 million this year to the Metro funding for fiscal year 2011. It is desperately needed. It is the right thing to do.

This is the Nation's subway system. The Washington, DC area ranks second-worst in the United States as far as traffic congestion is concerned. This system is critically important to the operation of the region's Federal facilities. During peak ridership, more than 40 percent of the riders on Metro are Federal employees. Ten percent of the overall ridership serves Congress and the Pentagon. So this is how our employees get to work.

And the Federal Government has a clear financial interest in the operation of Metro. Likewise, I believe the Federal Government must play a greater role in assuring the safety of the Metro system for its riders and employees, and there has been no stronger voice in the United States Congress on this issue than Senator Mikulski. I thank you very much for speaking out for the fact that, yes, we support the Federal Government's financial partnership with Metro, but we also believe that the Federal Government has a responsibility to make sure the system operates safely for the ridership, its patrons, and its employees.

And the problems with safety continue. I know that the witnesses from Metro that you have before you have instituted changes, and there have been improvements made. But we need to change the culture of Metro so that safety is a priority, and that is a continuing process that will require greater oversight, and I urge us to set up a way that we can continue the oversight.

May 5, there was an emergency braking situation on the Red Line in Wheaton, and fortunately the incident was handled by the operators and system controllers so as to avoid an accident, but some of the protocols were still not followed in regards to that particular episode. These missteps reinforce the need for stronger oversight on safety.

I strongly support the legislation that Senator Mikulski has been involved with that would give the FTA the authority to set up safety standards for our transit system, so they can do it now for our rail. They can do it for the trucks. It seems to me that we should

have the authority to set up Federal regulatory standards for our transit systems, and I would urge the Congress to take on that particular issue.

The Senate recently passed the new Metro compact, further advancing the final steps of authorizing a 10-year \$1.5 billion authorization for Metro with a dedicated funding system. That is critically important.

But let me just point out one last point. This system is 34 years old. It is an aged system. I have seen the crumbling platforms, and I tell you, I worry about the safety of Metro today. It needs maintenance funds. It needs attention. It needs to make sure that its current service areas are done in a safe way for its patrons and employees.

I think, in the past, Metro has been divided as to whether to pay attention to its current system or seek expansion of its system. And we all believe that we have to expand the service that Metro provides. But the first priority needs to be to take care of the existing infrastructure of the current system, with its stations and with its cars and with the way that it manages the system for safety.

And I would just urge this subcommittee in making the funds available. It is critically important the Federal Government live up to its commitment as a partner, but also to establish a way that we can be more actively involved as a partner with Metro in regards to the safety.

And with that, Madam Chair, I thank you very much for allowing me to be here today.

Senator MIKULSKI. Thank you, Senator Cardin.

First of all, you have been a real champion of Metro funding, as mass transit, as well as MARC trains. In other words, safe, efficient mass movement of people. We want to thank you for your advocacy both on the Environment and Public Works Committee and on the Budget Committee. Like you, I join in wanting to continue the Federal partnership of \$150 million, but I really think we have to be careful. I think we also have to be insistent on certain kinds of conditions and not give a blank check.

So, thank you.

Mr. Sarles, you have been one of the most patient people in the room, and we apologize. We thank you and, please, now go ahead and take as much time as you want to give us your views.

STATEMENT OF RICHARD SARLES, INTERIM GENERAL MANAGER

Mr. SARLES. Thank you, Madam Chair, and thank you for the opportunity to testify today.

As you know, Metro has submitted a request for \$150 million in fiscal year 2011. And as the subcommittee considers that request, I feel that it is important for you to know what we are doing to improve the safety and reliability of our system.

My written statement includes a detailed description of our action plan. So I will just briefly summarize a few key points. I will be at Metro until the board selects a new permanent general manager. I don't know how long that will be, but while I am here, I am taking a back-to-basics approach. I want to strengthen the agency so that I leave it in better shape for my successor.

The audit that you asked the FTA to conduct was extremely helpful to us as we developed our safety action plan. And frankly, I welcome your watchdog role, especially in the area of safety.

In response to that audit, I am working, first and foremost, on strengthening our safety program so that it is robust and proactive, not just reactive. We are hiring more good people and getting them the training that they need. We are developing an incident management system so that we can analyze trends and spot issues before they become major problems.

We are also improving protections for our track workers by updating our procedures and our training program for those who work in and around the track area.

I am also refocusing the agency on addressing our state of good repair needs. We have an aging system, and things are starting to break down more often. We need to do more today to keep our system in a state of good repair than we did when it was 5, 10, or even 20 years old.

We are developing a new capital program, which will allow us to meet the state of good repair needs. Our State and local partners are committed to increasing their contribution to Metro, but to meet these needs, we must also continue to receive the funds authorized by Congress in the Passenger Rail Investment and Improvement Act. I thank this subcommittee for providing the first installment of that funding last year.

These are the building blocks that will lead to a stronger organization for our employees and better service for our customers. It will take time to address all these issues fully, and we are constantly working on improving. For example, while the emergency braking at the Wheaton station 2 weeks ago did not involve an actual hazardous condition, we have learned from that experience and taken action to improve notification procedures to our operations control center and our oversight agencies.

I believe that we are making progress, but you don't have to take my word for it. Next month, Metro will begin posting an online performance scorecard so that members of the public can track how well we are doing.

PREPARED STATEMENT

Thank you for the opportunity to testify today and for your consideration of our request. I would be happy to answer any questions.

[The statement follows:]

PREPARED STATEMENT OF RICHARD SARLES

Madam Chairman, Ranking Member Bond, and members of the subcommittee, thank you for the opportunity to testify before you today. I am Richard Sarles, General Manager of the Washington Metropolitan Area Transit Authority, known as WMATA or Metro.

I began my service as Metro's General Manager over 1 month ago. My career in rail and public transportation has spanned 40 years, during which time I worked with the Port Authority of New York and New Jersey, Amtrak, and most recently, New Jersey Transit. I have used the Metro system many times, and have always been impressed by Metro's services and how well they are delivered. But Metro is no longer new. We have requested an appropriation of \$150 million in Federal fiscal year 2011 to help us address some of the challenges associated with our aging sys-

tem. As you consider that request, I want to let you know what Metro is doing to move forward on improving our system's safety, reliability, and financial stability.

SAFETY

As the subcommittee is aware, this region experienced an unprecedented tragedy on June 22 of last year, when two Metrorail trains collided on the Red Line north of the Fort Totten station. Nine people lost their lives and dozens of others were injured in an accident that has had ripple effects throughout the transit industry. The National Transportation Safety Board's (NTSB) investigation of the accident has focused on technological issues, not human error, as the key factor leading to the collision, and as a result, transit and rail providers across the country have been reexamining their track signaling systems for signs of the same potential failure that caused the June 22 accident.

The NTSB's final report on the accident has not yet been issued, but Metro has already taken steps to improve safety on the rail system. We have been operating trains in manual mode since the accident, and we will continue to do so until the NTSB report is issued and any necessary modifications are completed. We have increased the frequency of computerized testing of track circuits, and we are holding the performance of those circuits to a higher standard than previously required. In addition, as recommended by the NTSB, we are working with a contractor to develop a real-time monitoring system which will provide an alert should a track circuit fail.

In addition to the June 22 accident, Metro has experienced a number of other incidents over the past year that require us to re-assess the way that we go about ensuring the safety of our customers and employees. Our internal assessments and findings regarding safety have been supplemented by external agencies' reports, such as the March 2010 audit of Metro's safety program by the Federal Transit Administration, requested by Senator Mikulski. These external reports have been and will be critically important in helping Metro identify where we need to improve with regard to safety. We have learned even from those incidents which were not hazardous in nature, such as the May 5 emergency braking near the Wheaton station. Although there were no hazardous conditions present, we have taken action to improve reporting of such incidents to our operations control center and our oversight agencies.

The following section describes a number of other actions that we have taken in recent months to address both internal and external findings in the areas of staffing, communications, track worker protection, and rail operations.

Staffing

The FTA audit and other assessments have identified lack of sufficient safety staff and expertise as an issue at Metro. To address that issue, Metro has hired a new Chief Safety Officer, James Dougherty, who began his duties on April 19. Mr. Dougherty brings 25 years of experience in transit safety, occupational safety and health, industrial hygiene and environmental protection, and he will report directly to me. In addition, we have filled 6 of 12 new positions in the safety department, and we expect to fill the remaining vacancies within 60 days. These new positions will help us to effectively investigate incidents/accidents, review and document safety policies and procedures, ensure safety protocols are in place and implemented, and analyze safety trends. We have also arranged for needed training for our safety personnel with the Transportation Safety Institute, an arm of the U.S. Department of Transportation, with seven courses scheduled through September.

Communications

Lack of communications across and within departments has also been cited in various reports as a problem at Metro. We have recently begun several new communications initiatives. For example, to improve communication between the Safety Department and operational personnel, we now have safety officers assigned to each bus and rail division. These safety officers participate in regular meetings of the front-line staff in their division, as well as interacting on a daily basis with operations employees on safety-related matters.

In addition, my predecessor held 6 "Safety Action Report Out" meetings with 60 front-line superintendents to increase their awareness and accountability regarding safety. I intend to continue those meetings on a regular basis. We have also established a cross-departmental Safety Action Team tasked with finding ways to create a safer organization. The Team's first initiative is designed to further improve communications with front-line employees to ensure that safety-related information, as well as other messages, reaches all employees regardless of their work location.

Track Worker Protection

Employees who work on and around our track areas are exposed to dangerous situations each day they come to work. Protection of these workers must be robust and effective. Metro is committed to improving our current practices and has established a cross-departmental Roadway Worker Protection Work Group which includes representatives from several Metro departments, union representatives, and representatives from FTA and TOC. This group has drafted a new roadway worker protection manual which has been submitted to the TOC for review. The group is also in the process of developing a new roadway worker training plan, and will also test and evaluate new technologies and processes for use in the Metro system; these activities are expected to be complete by the Fall of 2010.

Metro's track environment shares certain characteristics with other transit and rail systems, and we have reached out to our peers to learn from them and share best practices. Metro conducted a workshop in January with peer transit agencies, FTA, TOC, and union representatives, and convened a roundtable discussion in April with the Federal Railroad Administration and inter-city rail operators. The results of these discussions are reflected in the new draft manual and will be included in the training regimen being developed by the Roadway Worker Protection Work Group.

Rail Operations

In addition to the operational changes implemented in response to the June 22 accident, discussed above, Metro is continuing to respond to earlier NTSB recommendations. We expect to award a contract in the near future to begin building the cars to replace our oldest vehicles, the 1000 series cars, as the NTSB has recommended. In addition, we are continuing to add rollback protection for rail cars operating in manual mode, another NTSB recommendation. About one-half of our fleet currently has such protection, and we are working to install it on the remaining cars with completion anticipated by the end of calendar year 2012.

Six-month Action Plan—Safety

While we have made progress with regard to safety, we still have work to do. We have established the following safety-related priorities:

- Fill Remaining Safety Department Vacancies and Increase Training.*—Specifically, we must continue to have front-line safety briefings while we develop more effective right-of-way training and identify other needed training for front-line staff. In addition, we have begun labor relations training for supervisors of represented employees, re-emphasizing the supervisors' role in safety; we intend to complete that training by the end of 2010.
- Continue Accelerated Close-out of Open Safety-related Audit Findings.*—With the approval of the TOC, Metro develops corrective action plans (CAPs) in response to findings from both external and internal audits and investigations. Metro has closed 190 CAPs since 2007, with the rate of closure increasing significantly in recent months. Currently 85 CAPs remain open (including CAPs that were recently added in response to the TOC's Roadway Worker Protection study and internal safety audits). I have communicated to Metro staff that continuing to close CAPs promptly is a top priority. I am particularly focused on responding to the recommendations in the FTA audit; we submitted a CAP for that audit to FTA on April 29. (Please see attachment No. 1 for details.)
- Develop Incident Tracking and Safety Management Reporting System.*—We are taking advantage of improvements in technology to develop a web-based tool to allow for communication of safety-related information and tracking across departments. Development is expected to be complete by the end of August 2010.
- Encourage Near-miss Reporting, Including Anonymous Hotline and Strengthened Whistleblower Protection.*—David Gunn's report cited Metro for having a "shoot-the-messenger" culture. I am taking steps to end that perception. I have informed all employees of the existence of a safety hotline and safety e-mail address through which they can report safety concerns, anonymously if desired. In addition, we are updating Metro's whistleblower protection policy to encourage employees to raise safety-related concerns.
- Complete New Right-of-way Worker Protection Manual and Revisions to Metro-rail Safety Rules and Procedures Handbook (MSRPH).*—When rules are outdated or unclear, they tend to be ignored. By Fall 2010 we intend to complete work on a new set of rules for right-of-way workers as well as an updated MSRPH, with rules and procedures that are clear, up-to-date, and effective.
- Complete Self-assessment of Safety-related Internal Controls and Initiate Thorough Assessment of Safety Culture.*—We intend to complete further self-assessments in safety-related areas, the first of which is focused on internal controls.

In addition, we have contacted the U.S. Department of Transportation, the AFL–CIO, and the American Public Transportation Association to seek their assistance in assembling a team of experts not only to review Metro’s safety culture, but also to recommend specific measures to improve that culture and to provide assistance in implementing those recommendations. We intend to initiate this review by Fall 2010, while recognizing that organizational culture change is a long-term process.

SERVICE RELIABILITY

According to the Washington Post, “most riders give the (Metro) system high marks for comfort, reliability and generally the ability to take them where they want to go.” (“In Survey, Metro Still Gets High Marks after a Year of Low Points,” April 5, 2010). Still, we know that we need to do better. The quality of our customers’ experience is the key to the continued success of our system. We are taking steps to improve the on-time performance of all of our modes—Metrorail, Metrobus, and MetroAccess—as well as the availability of our elevators and escalators which have a very direct impact on the quality of our customers’ trips.

For Metrorail, we have evaluated ways of improving service reliability through schedule adjustments and are preparing to implement the first adjustment on the Red Line. We have also implemented revised 30-, 60-, and 90-day training performance reviews for newly certified train operators to ensure that they are meeting our standards for safe operations and customer service and to provide us with an ongoing source of review regarding the effectiveness of our training programs.

For Metrobus, we are in the process of replacing 148 older buses, with deliveries between March and September 2010. With newer vehicles we expect fewer equipment failures, leading to improved service delivery. We have also reorganized our bus transportation division, retrained operators and supervisors, and increased supervision of street operations to better monitor and address service reliability issues. We have implemented NextBus, which provides customers with real-time bus arrival information by phone or online, and have created a new online service disruption notification for bus customers. For MetroAccess drivers, we have developed a new training program and installed Drive-Cam in MetroAccess vehicles to record incidents for investigation and training purposes.

With regard to elevators and escalators, we are consolidating our command and maintenance centers to eliminate reporting layers and improve accountability, a process which we expect to have fully implemented by the end of June 2010. Also by June, we intend to have restructured our technicians’ shifts to create rapid response teams with responsibility for maintenance and repair in defined geographic areas.

Six-month Action Plan—Service Reliability

I have established the following priorities regarding service reliability:

- Increase Training for Front-line Employees and Supervisors.*—Specifically, we intend to provide additional training to all station managers with a renewed emphasis on customer service, as well as complete training that we have already begun related to the reorganization of our bus department, designed to improve management of operators, reduce accidents, and improve service.
- Create Transparent Performance Tracking and Reporting Systems.*—New performance measurement tools are currently under development, including web-based dashboards, a monthly vital signs report of key performance indicators, and an annual performance report to assess what is working well, what is not, and why. By the end of June 2010 we expect to release many of these new tools publicly to foster increased accountability and transparency.
- Revise Inspection and Maintenance Procedures to Accommodate Changes in Operations.*—As in the area of safety, our rules and procedures for inspections and maintenance need to be clear and relevant for our current operating environment. With changes in place related to manual operation and restricted speeds, our new vertical transportation command center, etc., we must start revising our related procedures accordingly.
- Pilot Metrorail Schedule Adjustment on Red Line.*—As I mentioned earlier, we intend to adjust schedules on the Red Line to improve service reliability and the quality of the customers’ experience. The new schedules will reflect reality and allow for more time for customers to board and alight the trains at our busiest stations, and will involve more 8-car trains running to the ends of the line, which will maintain our passenger throughput capacity for the Red Line as a whole.
- Initiate External Assessment of Elevator/Escalator Maintenance and Repair Programs.*—We intend to contract with outside experts to conduct a review of these

programs in order to assess their efficiency and effectiveness and make recommendations for additional improvements.

—*Continually Re-emphasize Safety and State of Good Repair as Top Priorities.*— Maintenance of vehicles, track, structures, signals, and other infrastructure in a state of good repair has a direct impact on the safety and reliability of the Metro system, as it does for every transit agency in the country. If the condition of the Metro system is allowed to degenerate further, issues related to service reliability will continue to increase. The most effective action we can take to improve reliability is to improve the physical condition of our system.

FINANCIAL STABILITY

Now let me turn to a topic which is integrally related to our ability to improve service reliability—Metro’s budget and current funding constraints. Metro’s proposed fiscal year 2011 budget totals \$2.1 billion. That total is composed of Metro’s operating budget, which supports the daily delivery of transit service (including personnel costs, fuel and propulsion costs, etc.), and the capital budget, which funds investments in the vehicles, equipment, facilities, and infrastructure of the transit system. Sources of funding for those needs include State and local funds; Federal funds (primarily for capital costs); passenger fares and parking revenues, and other sources (such as advertising and fiber optic revenue). Passenger fares cover about one-half of the cost of Metro’s operations; broken out by mode, they cover more than 70 percent of Metrorail operations, about 30 percent of Metrobus operations, and 5 percent of MetroAccess operations.

Operating Budget

Fiscal year 2011 is likely the most difficult year, financially speaking, that Metro has ever had to face. The economic slowdown is having a continued impact on Metro, as it is across the country. For the transit industry as a whole, the economic slowdown has meant that ridership and revenue are down, while costs continue to go up.

Despite the encouraging ridership numbers that Metro has experienced in the last few weeks, Metrorail ridership for fiscal year 2011 is projected to be just 2 percent above the fiscal year 2009 levels, and on Metrobus, ridership growth over 2009 levels is only projected to be 1.5 percent. These projections are primarily due to continued high unemployment in the region combined with reduced spending by consumers. Lower Metrorail ridership has resulted in less revenue coming in from Metro parking facilities as well. Major cost drivers in the fiscal year 2011 operating budget include the rise in healthcare cost (which is in line with national trends), market losses in pension values, the increasing demand for MetroAccess service, and liability insurance and claims associated with the June 22 accident.

The imbalance between projected revenues and expenses created a \$189 million gap in our fiscal year 2011 operating budget, if jurisdictional subsidies (which cover about one-half of our operating costs) were held constant at fiscal year 2010 levels. In order to close that gap, I have proposed a budget that includes further layoffs, fare increases, some service reductions, and an increase in jurisdictional subsidies. Metro’s Board is currently considering that proposed budget. Without knowing what they will decide, it is fair to say that balancing Metro’s fiscal year 2011 budget will require hard choices. When we raise fares or reduce service, we have a direct impact on the people we serve every day, on their ability to get to jobs, school, medical services, and recreational opportunities. The economic downturn has affected everyone in this Nation, and unfortunately Metro is not immune.

Capital Program

Over the last 6 years, Metro has funded its capital program through a multi-year agreement with our jurisdictional partners, known as Metro Matters, which expires June 30, 2010. The stable funding stream provided by Metro Matters allowed us to, among other things, purchase 667 new Metrobuses to reduce the age of our fleet from over 10 years to under 8 years; and purchase 122 Metrorail cars, expand rail yard maintenance and storage facilities, and upgrade power systems to run 8-car trains.

Board Chairman Peter Benjamin’s testimony addresses our capital needs, and I simply want to reiterate his point that the funding Metro has requested from this subcommittee in Federal fiscal year 2011 is urgently needed to allow us to maintain the Metro system in a state of good repair. (Please see attached spending plan.) However, due in part to national economic conditions and in part to declining revenues in the Federal Highway Trust Fund, both Federal and State/local sources of funding for capital projects are severely constrained. Even with the new Federal funding authorization and the associated State/local match, these constraints have

required Metro to limit our capital investment for the next 6 years to only the most critical, “must-do” safety and system maintenance projects. “Must-do” projects include, for example, replacement of the 1000 series rail cars; replacement of our oldest buses; rehabilitation of the oldest segment of our rail line, and replacement and/or rehabilitation of decades-old bus facilities. “Must do” projects do not include other investments that should be made, such as investments to address crowding (more frequent bus service; more 8-car trains); more elevators/escalators in core stations; and system and fleet expansion to accommodate projected growth in demand over the next several decades.

Six-month Action Plan—Budget

By Fall 2010, we intend to accomplish the following objectives related to Metro’s budget:

- Implement Board-approved Fiscal Year 2011 Budget.*—As I have discussed, the budget will include job cuts and likely some combination of fare increases and service reductions in order to fill the \$189 million projected gap. Successful implementation of such changes will require timely and effective customer communication as well as operational changes such as reprogramming of farecard readers.
- Manage Transition From Metro Matters Capital Funding Agreement to Next Capital Funding Agreement, Currently Being Negotiated.*—I want to note that the National Transportation Safety Board is expected to issue its final report on the June 22, 2009, Red Line collision shortly before or during fiscal year 2011, and that report may contain recommendations that will have a cost associated with their implementation. Metro is committed to responding to those recommendations and that response may affect our ability to undertake some of the projects that have been planned for the next 6 years, absent additional funding.
- Initiate a Discussion With Regional and Federal Stakeholders on Metro’s Long-term Fiscal Outlook to Identify Both Challenges and Solutions.*—The basic challenge is this: the Metro system must be brought into a state of good repair. Unless there is a renewed commitment to this goal, the system will continue to degrade.

CONCLUSION

Madam Chairman, in the Fall of this year, I intend to deliver to Metro’s Board of Directors an interim performance assessment, along with recommendations for further improvement, in each of the areas I addressed above: safety, service reliability, and budget. But you do not have to wait until then to track our progress. Metro is developing products that will allow the public to see how we are doing on a more frequent basis. We expect to launch shortly a monthly “Vital Signs” report, which will initially track operational performance and identify trends, with the goal of expanding the range of performance metrics to other areas in the future. We also plan to issue an annual performance report, beginning this September. Metro is committed to improving transparency and communication with our customers and other stakeholders, including Congress.

Thank you for the opportunity to testify today. I greatly appreciate your leadership on these issues, and I hope that you will favorably consider our fiscal year 2011 appropriations request. I would be happy to respond to any questions.

ATTACHMENT NO. 1.—WMATA RESPONSE TO RECOMMENDATIONS IN THE MARCH 4, 2010 FEDERAL TRANSIT ADMINISTRATION SAFETY AUDIT

Recommendation	Actions Taken	Next Steps	Completion Date
<p>No. 1. Conduct assessment to identify resources and expertise necessary for Safety Dept. to carry out activities specified in System Safety Program Plan and Safety Rules and Procedures Manual.</p> <p>No. 2. Use results of assessment to ensure adequate staffing levels and expertise within Safety Department.</p>	<p>Developed statement of work for contractor support.</p> <p>Included in statement of work under No. 1.</p>	<p>Initiate and award contract, with Board approval, received April 22, 2010.</p> <p>Initiate and award contract, with Board approval, received April 22, 2010.</p>	<p>Final Report, including identified needs and recommendations by end of August 2010.</p> <p>Issuance of Safety Dept. staffing & recruitment plan by end of August 2010.</p> <p>Formalize process by end of August 2010.</p>
<p>No. 3. Increase Safety Dept.'s access to operating & maintenance information and reports to ensure this information is being analyzed for potential impacts on safety.</p>	<p>Established Interdepartmental Safety Working Group, now receiving monthly reports on operations/maintenance.</p> <p>Initiated development of web-based tool.</p>	<p>Review process for information-sharing and quality of information shared.</p>	<p>Complete development by end of August 2010.</p>
<p>No. 4. Develop internal process to require communication of safety-related info. across depts., including impacts of budget reductions & resource constraints on performance of safety-related maintenance activities/requirements.</p>	<p>Chief Safety Officer (CSO) now reports directly to General Manager.</p>	<p>Develop process for identifying and evaluating maintenance-related safety issues.</p>	<p>Complete development by end of August 2010.</p>
<p>No. 5. Define and implement the process for the top Safety Department position to communicate safety priorities to the GM in a timely and consistent manner.</p>	<p>Included in statement of work under No. 1.</p>	<p>Continue weekly CSO meetings and reports to GM; revise System Safety Program Plan to reflect relationship.</p>	<p>Completed by end of April 2010.</p>
<p>No. 6. Identify technical skills required to perform system-wide hazard analysis; if needed, provide training as soon as practicable.</p>	<p>Interdepartmental Safety Working Group has met to design a new process.</p>	<p>Initiate and award contract, with Board approval.</p>	<p>Contractor to issue needs assessment & training plan by end of August 2010. Completed by end of September 2010.</p>
<p>No. 7. Update the System Safety Program Plan to develop a hazard management process that ensures all departments participate in an on-going manner.</p>	<p>Outreach to peer transit agencies for model forms and processes has begun.</p>	<p>Confirm design of new process with contractor support.</p>	<p>Completed by end of September 2010.</p>
<p>No. 8. Institute process to ensure changes in operating rules are analyzed for safety impacts before system-wide implementation.</p>	<p>Roadway Worker Protection Working Group established; new manual has been drafted; workshop and round-table held.</p>	<p>Continue outreach to peer agencies and consultation with union; revise rule book.</p>	<p>Metrorail Safety Rules and Procedures Handbook revisions completed by end of September 2010.</p>
<p>No. 9. Finalize right-of-way protection rules; develop training to implement new rules. Ensure all ROW employees & contractors receive training before accessing ROW.</p>	<p>Included in statement of work under No. 1.</p>	<p>Finalize new manual; finalize new training program.</p>	<p>Roll out of new training program in October 2010.</p>
<p>No. 10. Implement configuration management program described in System Safety Program Plan.</p>	<p>Included in statement of work under No. 1.</p>	<p>Initiate and award contract, with Board approval received April 22, 2010.</p>	<p>Create action plan & training program by end of September 2010.</p>

WMATA RESPONSE TO FTA FINDINGS OF THE TOC THAT RELATE TO WMATA IN THE MARCH 4, 2010 FTA SAFETY AUDIT

Recommendation	Actions Taken	Next Steps	Completion Date
<p>Finding No. 1.—Require WMATA to complete a timely, thorough, and competent review and update of WMATA’s Safety Rules and Procedures Manual.</p>	<p>The update of both the SSPP and WMATA’s Safety Rules and Procedures Manual will be included as part of the contractor SOW for the Safety Assessment and Hazard Management Program.</p>	<p>Seek permission to initiate and award contract with WMATA Board approval. Board Approval received April 22, 2010.</p>	<p>MSPRH revisions to be completed by the end of September 2010.</p>
<p>Finding No. 2.—Require WMATA to develop (and TOC to review and approve) an internal WMATA safety audit recovery plan for calendar year 2010 and calendar year 2011.</p>	<p>The Safety Assessment and Action Plan will ensure that we have personnel skilled in auditing in the Safety Department.</p> <p>We also will receive contractor support in reviewing and updating our existing checklists and procedures.</p>	<p>Seek permission to initiate and award contract with WMATA Board approval. Board Approval received April 22, 2010.</p>	<p>Completed by the end of August 2010.</p>
<p>Finding No. 3.—Require WMATA to develop a recovery plan to complete all open accident investigations following procedures established in TOC’s Program Standard, WMATA’s System Safety Program Plan and WMATA’s Accident Investigation Procedure.</p>	<p>We are working closely with TOC to address this finding and have made considerable progress.</p>	<p>In the May 4, 2010 submission, both TOC and WMATA will report that a recovery plan of closing at least ten open accidents investigations per month is accomplished.</p>	<p>The goal is to completed 90 percent by the end of September 2010.</p>
<p>Finding No. 4.—Work with WMATA to ensure that there is a process in place for evaluating Corrective Action Plan (CAP) alternatives that may be necessary as a result of capital and operating program resource limitations.</p> <p>Finding No. 5.—Require WMATA to develop and implement a comprehensive and system-wide hazard management program (as specified in 49 CFR part 659.31).</p>	<p>The contractor SOW for the hazard management work will also address this issue.</p> <p>Interdepartmental Safety Working Group to design new process has taken place and with contractor support and will: Integrate into web-based tool; Integrate into Internal Safety Audit process and Quality Assurance (QA) process; and Integrate into day-to-day activities.</p>	<p>Seek permission to initiate and award contract with WMATA Board approval. Board Approval received April 22, 2010.</p> <p>Seek permission to initiate and award contract with WMATA Board approval. Board Approval received April 22, 2010.</p>	<p>Completed by the end of August 2010.</p> <p>Create action plan & training program by end of September 2010.</p>

WASHINGTON METROPOLITAN TRANSIT AUTHORITY (WMATA) PROPOSED PRIA (DEDICATED FUNDS) PLAN AS OF MAY 17, 2010

(In millions of dollars)

CIP	Project Name	Project Description	Budget	
			Federal Fiscal Year 2010	Federal Fiscal Year 2011
CIP057	RAIL CAR FLEET REPLACEMENT AND REHABILITATION: 1000 Series Rail Car Replacement	<p>This project will design and purchase 300 7000 Series railcars, which will replace all 1000 Series railcars that were purchased between 1974 and 1978. This project is one component of a long-term fleet plan to avoid repetitive developmental cost associated with new car design and procurement. The replacement of the 1000 Series with the 7000 Series will improve reliability, reduce maintenance and operating costs and incorporate technology and enhancements of newly designed railcars. This project will procure major repairable railcar components to support the overhaul of essential systems in the fleet. To maintain a state of good performance, major railcar components must be refurbished or replaced on a regular basis. These components include but are not limited to wheels, trucks, brake systems, HVAC, and traction motors. Approximately 225 railcars, or 20 percent of the fleet, will receive major overhauls funded through this project.</p> <p>This project will perform engineering, analysis, diagnosis, testing and resolution of safety, maintenance and operational issues relating to the railcar fleet and its interaction with track work, automatic train control, communication, and power systems. The project work will resolve compatibility issues across the multiple series of railcars and infrastructure related to changes in technology and components. Examples of specific issues to be resolved are emergency exterior door releases, wrong side door openings, and car roll back.</p> <p>This project will procure, design and construct a test track and commissioning facility that will be utilized for ongoing engineering analysis and enhancements to the fleet, as well as acceptance testing of new railcar procurements and will be in constant use. A dedicated facility will allow testing to be done and not impact night-time maintenance activities.</p>	79.3	20.5
CIP063	Rail Rehabilitation Program		12.4	12.5
CIP067	Rail Car Safety and Reliability Enhancements		12.1	2.5
CIP071	Test Track and Commission Facility		5.2	17.5
	Total	108.9	53.0	
CIP018	TRACK SAFETY IMPROVEMENTS: Track Welding Program	<p>This project will provide for the welding of approximately 500 open running rail joints throughout the Metrorail system and to purchase flash butt welding kits. The track welding program will improve the electrical conductivity of the rail, eliminate joint defects, reduce noise and wear, reduce maintenance and inspection costs, and eliminate cross tie fires.</p> <p>This project will prevent services delays and speed restrictions due to differential settlement of the track structure and reduce noise and vibration to the surrounding building and structures by replacing failed isolation pads and restoring the track structure to the proper elevation.</p>	1.5	2.7
CIP019	Track Floating Slab Rehabilitation		1.7	1.3

CIP020	Replacement of Rail Track Signage	This project will procure and install 3,000 markers and 500 safety signs to replace old, illegible rail track graphic signs and various other signs indicating locations and warnings to employees, emergency responders, and the general public. Track graphics are essential for safe operations and emergency responses. Many signs throughout the Metrolink System are approximately 30 years old. Some of these signs require upgrading because they are damaged, deteriorated, or obsolete.	1.0	1.1
CIP021	Track Pad/Stock Absorber Rehabilitation	This project will maintain the integrity of the track structure by rehabilitating 7,000 linear feet of grout pads on Rhode Island and Minnesota Avenue Metrolink Station Aerials. Grout/plinth pads (concrete pads) located below the track provide elevation and support for the track and track fasteners. They are replaced as needed to restore the track structure to the proper elevation. Improper elevation can result in damage to the car's third rail collector shoes and the vibrations can potentially lead to structural cracking in the surrounding buildings and structures.	4.3	2.1
CIP022	Track Structural Rehabilitation	This project will be utilized for the rehabilitation of structural components and to restore the track structures, such as elevated platforms, bridges, and retaining walls to their designed load carrying capacity. These rehabilitations are critical, as the loss of one of these structures could result in the functional loss of an entire Metrolink line segment. The rehabilitation work includes the anchor bolts of 65 bridge piers on Minnesota Avenue Aerial and additional anchor bolts at Grosvenor and I-495. One down and under crane for underbridge inspections and rehabilitation will be procured.	2.3	1.5
CIP023	Third Rail Rehabilitation	This project will replace the original third rail (5 miles annually) with the composite third rail. Original third rails have become worn throughout the Metrolink system. New aluminum and steel composite third rails will provide less resistance for eight car trains and allow trains to run more efficiently. This project will result in maintained tracks and fewer train delays.	.....	5.5
CIP024	Track Rehabilitation	This project will be utilized for the procurement of material and specialized equipment to facilitate the removal and installation of the track and switch panels, which prevent service delays and speed restrictions. Track components (which include running rail, cross ties, direct fixation fasteners, third rail insulators, and turnouts) require replacement when, based on industry standards, they become worn or unserviceable due to deterioration, excessive wear, or defects. No. 8 turnouts will be upgraded from unguarded to guarded turnouts based on National Transportation Safety Board recommendations.	44.4	33.3
CIP027	Switch Machine Rehabilitation Project	This project will improve the safety and reliability of the interlocking track structure by replacing 20 switch machines throughout the Metrolink Systems. Switch machines have a normal life expectancy of 10 years; all the switches to be replaced have been in service over 10 years.	0.9	1.0
CIP133	Wayside Work Equipment	This project is for the installation of a safety signaling system at rail portals and other locations to alert personnel to approaching trains. This project will provide for enhanced safety for customers and WMATA personnel.	4.1	3.1
Total			60.2	51.5

WASHINGTON METROPOLITAN TRANSIT AUTHORITY (WMATA) PROPOSED PRIA (DEDICATED FUNDS) PLAN AS OF MAY 17, 2010—Continued

(In millions of dollars)

CIP	Project Name	Project Description	Budget	
			Federal Fiscal Year 2010	Federal Fiscal Year 2011
CIP025	TRACK EQUIPMENT: Track Maintenance Equipment	<p>This project is for the rehabilitation and replacement of heavy-duty track equipment. Track maintenance equipment is essential to deliver quality service and for the safe and efficient execution of the track rehabilitation work. Timely rehabilitation and replacement of four self-propelled prime movers will ensure equipment reliability, reduce the probability of delays due to equipment breakdowns, and allow for efficient use of the right-of-way track time.</p> <p>This project funds the replacement of rail shop equipment that has reached the end of its useful life. Purchases will include approximately 125 pieces maintenance equipment, 48 pieces shop test equipment, and 15 pieces shop machine equipment. Some examples of equipment to be purchased are overhead cranes, rail train lifts, hoists, industrial shop air compressors, service elevators, hoisting mechanisms, wheel truing machines, and electrical controls.</p> <p>This project is for the replacement of track fasteners. Deteriorated track fasteners cause stray current and have been found to cause fires in the system. Track fasteners are an integral structural component of the track system that needs to be replaced periodically. Approximately 15,000 track fasteners will be replaced on the Red Line with these funds.</p>	17.3	20.7
CIP066	Rail Shop Repair Equipment		2.2	4.2
CIP089	Track Fasteners		2.1	2.1
	Total		21.5	27.0
CIP110	MAJOR RAIL LINE SEGMENT OVERHAUL: Rail Rehabilitation Tier 1.—National Airport to Stadium Army.	<p>This project encompasses engineering and design to begin rail line segment rehabilitation of the Orange/Blue/Yellow Lines from National Airport to New Carrollton which includes 23 Stations with a route mileage of approximately 18.7 miles. Stations scheduled for rehabilitation were completed and put into service between 1977 and 1978. Work to be initiated includes but is not limited to traction power, automatic train control and communication upgrades, track fastener replacement, tunnel ventilation, air conditioners, replacing suspended ceiling tiles, canopy roof replacements, platform rehabilitation lighting, public address, and CCTV system upgrades.</p> <p>This project is a rail yard rehabilitation of Alexandria, Brentwood and New Carrollton Rail Yards that were put into service between 1976 and 1983. The contract will include items from the Inventory Database and other items identified by rail operations and maintenance, security and environmental to enhance operations and maintenance activities and provide a better work environment. Work will include all systems and infrastructure to increase overall efficiency.</p>	34.5	60.6
CIP116	Rail Yard Facility Repairs Tier 1.—Alexandria, Brentwood and New Carrollton.		.....	24.8

	Total	34.5	85.4
	RAIL PREVENTIVE MAINTENANCE:		
CIP125	Rail Preventive Maintenance	40.9	20.8
	TRACK SIGNAL IMPROVEMENTS:		
CIP135	Train Control Signal	1.0	10.3
CIP136	FCC Radio Frequency Communication Changes	0.2	1.0
	Total	1.2	11.3
	NTSB RECOMMENDATIONS:		
CIP139	NTSB Recommendations	10.3	10.3
	BUS FLEET REPLACEMENT AND REHABILITATION:		
CIP006	Bus Replacement		
	MAINTENANCE OF BUS GARAGES:		
CIP119	Bus Garage Facility Repairs Tier 1—Western, Northern and Landover.	18.9	25.7
	BUS SAFETY IMPROVEMENTS:		
CIP007	Bus Camera Installation		3.0

This project is for preventive maintenance and related purchases for rail cars. Activities will include regularly scheduled maintenance of railcar components and systems at scheduled duty-cycle intervals. Purchases will include brake parts, truck parts, propulsion parts and other parts necessary for maintaining functionality of rail car features.

This project funds the initial engineering support for analysis of the train control signaling system in an effort to improve the system.

This project will meet the new FCC "narrow banding" requirement that affects the agency's UHF radio system. Planned activities include specification development, engineering, prototype testing, and project management. The primary impact is to the infrastructure equipment (as opposed to the subscriber equipment—handheld and mobile radios).

This project will allow Metro to implement any forthcoming NTSB recommendations as a result of the ongoing accident investigation.

This project will purchase 100 buses a year to maintain an average fleet age of 7.5 years based on the 2009 fleet size of approximately 1,500 buses that range in size from 26 to 62 feet, and are a mix of conventional and articulated buses.

This project is a bus facility rehabilitation of Western, Northern and Landover bus garages and other auxiliary facilities, includes Metro Supply facility, Landover Open Storage and Blair Road Support Shop. The facilities in this project were originally put in service between 1906 and 1989. Work will include all systems and infrastructure to increase overall efficiency.

This project is based on completing installation on remaining buses, which will ensure that all buses will be equipped with camera systems to reduce detrimental impact of fraudulent claims, reduce or eliminate vandalism, deter crime, assist in criminal prosecutions, and help employees assist customer concerns and complaints.

WASHINGTON METROPOLITAN TRANSIT AUTHORITY (WMATA) PROPOSED PRIA (DEDICATED FUNDS) PLAN AS OF MAY 17, 2010—Continued
 [In millions of dollars]

CIP	Project Name	Project Description	Budget	
			Federal Fiscal Year 2010	Federal Fiscal Year 2011
CIP002	Automatic Vehicle Location Equipment Replacement	This project will begin the replacement of Advanced Vehicle Location (AVL) equipment on buses that was installed on buses prior to 2002. The equipment, which allows monitoring of bus locations, has a life span of 7–10 year. If Metro does not replace obsolete AVL equipment, Metro will not be able to monitor the location of buses with the old equipment.	3.7	12.1
	Total .....	.....	3.7	15.1
	PRIIA Funds .....	.....	300.0	300.0

MEASURING PROGRESS AND PERFORMANCE IN METRO SAFETY

Senator MIKULSKI. Well, let me get right to some of my questions. A year ago, right after the accident, I was very intensely critical of Metro, and everybody knows it. What I said, though, is that I didn't want to be the manager of Metro. I don't think that is an appropriate congressional role. But one of the questions that I said at that time, I am not saying it this time, is that often solving the problem was having a meeting about the problem, and that was viewed as solving the problem.

I asked about how was Metro—and at that time I placed responsibility on the board, but I throw this question open to both of you. When we talk about safety and operational reliability—but let us go to the safety, you need to have the systems in place. You need to have the training, and you need to also find out if those systems and training are working.

So my question to you is how are you measuring progress and performance? What we have here in your testimony, and you and I have had the opportunity to speak before, is a rather comprehensive list of actions taken. Develop an incident tracking and safety management reporting system. Encourage near-miss reporting, like an anonymous hotline. Strengthen whistleblower protection so you don't shoot the messenger.

In other words, these look promising. But we have been down the road of promises before, both the Federal Government, when we promised funding and broke that promise. So now it is our job not to break our promise. But the second is that with this list of things that you say will improve safety, you, sir, and you, Chairman Benjamin, how will you measure progress? How will you measure performance? What metrics are you going to use so that you would really know if this is going to work?

Mr. SARLES. First of all, we have set deadlines for delivering certain items, when we are going to have the track worker protection manual done, for example. We have already completed the draft, but now we have a deadline for finalizing that and starting training.

We set dates for starting training programs. Starting next week, there will be a series of training programs over the summer for people. We have these deadlines set. We are going to make these milestones, and we can be measured against that.

Beyond that, in the longer run—

Senator MIKULSKI. But how are you going to measure them?

Mr. SARLES. By meeting those deadlines. If we say we are going to deliver a manual, the track worker protection manual by a certain date, we have to make that date. If we say we are going to conduct training, which we are, this summer between such and such a date and what those courses are, we will show that we made those dates and, in fact, people attended those sessions. Those are the close-on measurements, if you will, that if you say you are going to do something, you deliver on it.

Beyond that, ultimately, what the performance measure is, measures that you will see safety wise are number of injuries, both employees and passengers, number of incidents or accidents, that sort of thing. That tells you over the long term whether you are actually

seeing the right trends. And if you are not seeing the right trends, which all should be downward, then you have to take additional actions. And those are the types of things we will make public so people can see how we are doing as a scorecard.

Senator MIKULSKI. Well, there was a woman, actually, a widow, after her husband's death in January, stepped forward to say that this was her description of safety training for her husband—now I am going back to before your arrival, but nevertheless—she said Metro's solution is having a safety meeting, putting on a video, and then handing out hard hats.

They met a deadline. They had a meeting. They even had "training," but it was a video. Her husband, according to her comments, had concerns about the vehicle that ultimately killed him. That it was too powerful, too dangerous, and that it had no backup camera. It had no backup sound and lights were disconnected. Metro didn't have floodlights. In other words, this is beyond giving out manuals and meeting deadlines.

Mr. SARLES. Yes.

Senator MIKULSKI. I mean, start with the manual. But that is the whole darned problem, which is that we hear they are giving out manuals, and they meet deadlines. So what the hell does that mean? Pardon me.

Mr. SARLES. Yes, sure. You have the manual. Then you have to train to that manual so the workers understand exactly what the procedures should be and how they should operate in a safe manner. And then you see, through gathering of the statistics that support the performance measures that, in fact, we are having fewer incidents, and the goal is to be zero in terms of accidents.

So you have to take the first steps, put it into place, do the training, and then measure the results of that training.

Senator MIKULSKI. Well, I understand, and I want to go to Mr. Benjamin, that at your board meeting, up until very recently, you got no reports on safety?

Mr. BENJAMIN. Senator Mikulski, we did get reports on safety. We always, on a monthly basis, were told how many accidents there were, how many incidents of various types there were, how many fatalities, how many injuries, and what the trend over time had been. What we did not get reports on and what we should have heard about and we now are getting reports on is the degree to which our safety staff was fully staffed, the degree to which we were responding to our oversight agencies effectively and meaningfully, and the degree to which, when findings were made, we were, in fact, carrying out those activities.

So, yes, we got the big picture, but we weren't getting enough. And we have now changed that. We are getting more information, and we have asked our inspector general, as a separate path. Originally, the only path was going through the General Manager. The inspector general now reports directly to us as the Board to review all of those materials, make sure that activities were occurring at the schedules that were required, and that if we are not getting that activity occurring, to report directly to the Board.

We have also asked the Tri-State Oversight Committee to brief the board directly so that if information is not flowing properly, we hear about it right away.

TOP SAFETY AND HAZARD CONCERNS

Senator MIKULSKI. The FTA audit found that Metro didn't have a list of the top 10 safety and hazard concerns. Do you now have that list?

Mr. SARLES. Yes.

Senator MIKULSKI. Are you aware, Mr. Benjamin, of what those top 10 are?

Mr. BENJAMIN. I am not aware of that particular list.

Senator MIKULSKI. But those are the top 10 safety and hazard concerns. Look, please, and I am not trying to play a game of "I gotcha," and I am not trying to embarrass you. I am trying to get to the point. We had the accidents. We have had the FTA audit. We are making corrections.

One of the things that they said was Metro did not have a list of 10 safety and hazard concerns. Now, sir, you say you have the 10?

Mr. SARLES. Yes. And I will give you a couple off the top of my head. One is strengthening the Safety Department, which we have done. We are moving forward on that. We have hired a new Chief Safety Officer, who is here with us today. We had a dozen positions added. We filled six of them. We are interviewing this week and next week to fill the remainder.

Another issue was to replace the 1000 Series cars. I am expecting to go to the board very shortly to seek approval to acquire new cars to replace those 1000 Series cars. And—

Senator MIKULSKI. I have a request.

Mr. SARLES. Sure.

Senator MIKULSKI. We will leave this open. I would like you to submit for the record the 10 top safety and hazard concerns.

[The information follows:]

TEN KEY SAFETY AND HAZARD CONCERNS

- Replace the oldest railcars in the fleet (Rohr 1000 Series railcars).
- Develop a new real-time automatic train control redundancy system.
- Strengthen the expertise of the Safety Department.
- Complete the Roadway Worker Protection Program.
- Develop a training and certification program for bus and rail personnel.
- Strengthen employee knowledge of rules and rules compliance.
- Develop an accident and investigation database.
- Create a strong internal training tracking database.
- Fill vacancies in the Safety Department.
- Improve the agency's safety culture.

Mr. SARLES. Yes.

Senator MIKULSKI. The actions taken on them, and then I would like you to give them to your own Board.

Mr. SARLES. Will do and we have discussed most of them with the Board. We have presented some of those.

Senator MIKULSKI. That is the point.

Mr. SARLES. Yes.

Senator MIKULSKI. Mr. Benjamin, you are a very dedicated public servant. I know your record. You are man of really civic engagement. Can you tell me why you didn't have the top 10?

Mr. BENJAMIN. Well, as Mr. Sarles was saying, I think I did not recognize it as "the top 10," as listed like that. But I am fairly cer-

tain from his statement that these are all issues that we have discussed, just not discussed as “the top 10 list.”

Senator MIKULSKI. Sir, would you identify and would you agree that those are the top 10 things that need to be changed?

Mr. SARLES. Yes.

Senator MIKULSKI. In the order of priority?

Mr. SARLES. Yes.

Senator MIKULSKI. Well, I would like to really have a copy of those top 10 for us as well for the record. But I also would really recommend we call this the “checklist for change.” That this is one of the basic lists that we will follow. It won’t be the sole list, but it will be a primary list that we can all agree upon actions taken and progress measured. Would that be a good way to go?

Mr. SARLES. That is fine.

Senator MIKULSKI. Because we don’t want to be you, but we need to know how you are doing.

Mr. SARLES. And I welcome that, and that is part of the scorecard—

Senator MIKULSKI. We need to know then how the board then focuses on that. Now we understand that the safety department has had 41 staff positions, but 10 were vacant. Now where are we on that?

Mr. SARLES. Yes, and that is what I was referring to before—

Senator MIKULSKI. Maybe you don’t need all 41. Maybe that was from another era. But what we are concerned about is that since 2006, it was reorganized six times. That is what I mean about having a meeting, a meeting, a meeting, and then the meeting met the meeting, and then it met the deadline.

Mr. SARLES. I will agree with you that there has been too much reorganization.

Senator MIKULSKI. Not enough organization.

Mr. SARLES. And I am trying to stabilize that. And one of the things that was done just before I got there—and it is the right thing—is that the Chief Safety Officer now reports to me. Ten positions were created. Actually, I think it was a dozen last December. Six of them have been filled. We are interviewing for the remainder. We expect to fill those within the next 45 days.

Senator MIKULSKI. You will have that in 45 days?

Mr. SARLES. Yes. And then, on top of that, the board authorized at their last meeting the hiring of outside expertise because I want to take a look at further strengthening the Safety Department to see if the staffing is appropriate, to see if they are trained properly.

The board has authorized that. We are out now seeking proposals. And I expect within the next 2 weeks to award that contract.

Senator MIKULSKI. So, what do you think will happen when you do that?

Mr. SARLES. The key thing is that we look at the Safety Department and, as I said, see where it needs to be strengthened further. Is it organized exactly the way it should be? Get that outside expertise and also aid us in looking at the other safety aspects as part of our safety plan.

Mr. BENJAMIN. Senator Mikulski, if I may?

Senator MIKULSKI. Yes, please.

Mr. BENJAMIN. I think one of the most important things that Mr. Sarles has focused on is the culture issue, which you mentioned earlier, and the fact that safety is not something that happens in a safety office and that safety officers who work in headquarters don't cause safety to come about.

And one of the things that he has been working on is making sure that safety is, in fact, the way that we live, the way that we react, the way that everybody focuses on the actions that they take, starting, as you pointed out, from the Congress, through the Board, the General Manager, the supervisors, and everybody working throughout the system. And one of the things he has done right away is to make sure that there are safety people out in the field working with the various organizations, not just in an office sitting and keeping track of things.

Senator MIKULSKI. Well, I would concur. Safety officers are not meant to be the bean counters, counting how many accidents happen. It is the major prevention team. So in the area of safety, you not only need to have first responders, the ability to get out of the cars fast. You know, a lot of what the National Transportation Safety Board [NTSB] is going to tell us is what to do after a crash, which is how to get out fast and to have a black box to tell you what happened. We are in the prevention business.

Mr. SARLES. Exactly.

METRO MODERNIZATION

Senator MIKULSKI. That is what we are. I think the biggest role of Congress is we are in the prevention business. I know we must be. I want to move in short order to modernization questions and then this will go to the question related to modernization. To what degree, when we look at technological problems and the survivability of the cars, is due to the fact that the Metro system is a system that is aged in place?

Mr. SARLES. Certainly, when you have a—

Senator MIKULSKI. Do you agree, first of all, that is aged in place?

Mr. SARLES. Yes.

Senator MIKULSKI. That it takes a lot to run it and maintain it?

Mr. SARLES. And that is one of the things that has not occurred over the years, as I can see. The attention to maintenance, the attention to reinvesting in the system just to keep it in a state of good repair, sort of like-new condition, without having that continual reinvestment in the state of good repair, it does cause reliability issues. You are now repairing things. Things break down, even during the operation. That shouldn't be the way it operates.

And I believe with the proposed capital program, that especially with the infusion of the \$150 million for 10 years and the matching funds from the jurisdiction—that, combined with maintaining the same level of other jurisdictional contributions, will go a long way over a period of time to restoring this system to a state of good repair.

It is not there now, and it has got to be changed. And that is what we are focused on.

Senator MIKULSKI. Mr. Benjamin, do you want to comment on that?

Mr. BENJAMIN. Yes. I agree entirely with the statement that you made. Our rail system is not brand-new anymore. It is 34 years old. Senator Cardin made that point as well.

It is a system which has not been reinvested in. You cannot have an infrastructure that hasn't been properly reinvested and parts of it maintained properly. Most of our escalators, one of the things that people complain about all the time, were designed to operate for 20 years. Many of them are 30 and 35 years old.

When you have equipment that old, maintaining it, keeping it operating is extremely difficult, and the result is you are compromising safety.

When you have moving equipment that people ride on, you have to maintain it. You have to replace it when the time comes. And we have not made those investments, and that is what is critically necessary. And I believe that with the new funding that we have from the Federal Government, with the continued funding by each of the jurisdictions by their match to the funding from the Federal Government, we will be making progress.

And probably, we will get to the point where we will be able to bring our system to a state of good repair. What we will then have is the challenge that we won't have enough money to really deal with the expansion of service that is necessary even within our given confines in order to allow us to serve more and more people that will need to use our existing system.

Senator MIKULSKI. Well, I know you have just completed extensive public hearings over the fare box issues, and you have a pretty good sense that Metro, No. 1, is popular.

Mr. BENJAMIN. Yes.

Senator MIKULSKI. There is a lot of expectation of Metro. As I understand it a significant amount of your funds are now going into Metrobus and MetroAccess. Is that correct?

Mr. BENJAMIN. In the increase that is in the proposed budget, the subsidy increase for bus goes up by about \$20 million, the subsidy increase for MetroAccess goes up by about \$20 million, and the subsidy increase for rail is actually a decrease of \$40 million. So what we are looking at is substantial subsidy going to bus and to paratransit and rail not getting as much. What we are doing then is charging our rail passengers more and having them pay that difference.

Senator MIKULSKI. Well, that is a pretty startling kind of breakdown there because it is the rail that carries the majority of the passengers. I am not into allocation or disputing because I think you would be the first to say you need rail, bus, and then people with special challenges need the MetroAccess. We are not disputing any of that.

But for the \$150 million Federal contribution, what are we going to get? Are we going to get modernization? Are we going to get maintenance? Are these safety improvements? What would be the breakdown of the \$150 million?

Mr. SARLES. You are getting, first and foremost, safety improvements. The second is state of good repair improvements. That is just bringing the system back to where it was, and when you do that, you also improve the safety of the system because there are less breakdowns, which causes other problems. That is what the

capital program is all about. It is safety and state of good repair and that is especially what the dedicated funds are going to, nothing else.

As the chairman was mentioning before, we are not, in this program, at this time, investing in ways to expand the system either by adding more eight-car trains or expanding the number of buses. This is solely focused on the existing system's state of good repair and safety.

Senator MIKULSKI. What about modernization?

Mr. SARLES. Only in the sense that, say, for instance, when we replace the 1000 Series rail cars, we will, of course, design them and build them to the latest standards, both safety and functional and all the other standards. So, in that sense, there is a modernization. When you take something old and rehabilitate it, you bring it up to the most modern standard. So you get that kind of modernization that goes on.

Senator MIKULSKI. Well, this takes me to the Federal responsibility that while we might be self-congratulatory that we are finally providing a guaranteed revenue stream of \$150 million, the fact is, is that helps maintain the status quo in good operating order.

Mr. SARLES. Right.

Senator MIKULSKI. I don't mean to overstate it, but is that kind of a good summary of it?

Mr. SARLES. Exactly.

Senator MIKULSKI. So, if we wanted to modernize, it would take additional revenue from either your Federal partners or other partners. Is that correct?

Mr. SARLES. That is correct.

Senator MIKULSKI. If you wanted to because we know there is going to be some rather robust NTSB recommendations. Those will probably in many ways deal with more modernization. Am I correct?

Mr. SARLES. Yes, I would assume so.

Senator MIKULSKI. Well, what I would like from you, as we discuss it among ourselves because this goes to national priorities for not only the Washington system, but for Americans' public transit, is how are we going to meet our responsibilities for capital improvement, modernization, and operational cost? These are national issues, and in some ways, you are right here. So we see you with the good, the bad, and the ugly.

But I am going to go to the good, and a modern system needs to be continually modernized and from a management standpoint, modernization is not an event. It is a process.

Mr. SARLES. You are right. It is a continuing process. As we rehabilitate, improve, we have to also bring it up to modern standards. And if you don't, you fall behind.

Senator MIKULSKI. Well, I like to have hard, concrete things, as you hear me say, to measure against, for example the checklist for change. But when NTSB comes out with their report, apart from overall words like "modernization," we would like to hear from you what would it take to implement it? And I think that is a fair question.

We don't want to create unfunded mandates, but I think it is time that Congress has to take a realistic view of what it needs to

do to provide in partnership—again, we are in addition to the stakeholders and the locales. But at the same time, if there are Federal requirements, there should be a way for assistance to meet those Federal requirements.

Mr. SARLES. I would welcome that—

Senator MIKULSKI. I am sure that is the way you see it. That, in some way, is out of the scope of the subcommittee. I mean, it goes to authorization. But I believe rail, whether it is heavy rail to move cargo in our corridors, whether it is—I will call it heavy rail, to move people in the Northeast Corridor, whether it is our MARC trains or the Virginia version of that, we need to have a real commitment to rail and mass transit in this country because, whether it is Purple Line, our Red Line in Baltimore, your Red Line here, but we are running into a lot of red ink. Isn't that the problem?

Mr. SARLES. Yes.

BUDGET SHORTFALL

Senator MIKULSKI. Now you have a \$189 million shortfall?

Mr. SARLES. Currently, right.

Senator MIKULSKI. So, first of all, what you hear from the subcommittee is not shouts and chest pounding about how we are going to withhold the money until you do such things. We do believe, though, there has to be modernization. There has to be safety reform, and there has to be accountability. By accountability, we mean real measurements.

So we are going to be talking with you over the next year. We have said a lot about what we think about you. I am not going to ask you what you think about us. But as Congress looks at what it needs to do, I am asking you what your recommendations would be to us about what a Federal partnership would mean for modernization, safety improvements, and increased operational reliability.

Whether it is the escalator working, which we hear a lot of, or the fact that significant funds do go in buses. Significant funds do go into meeting the Federal mandate of access for people who are challenged. Am I correct?

Mr. BENJAMIN. You are absolutely correct.

Senator MIKULSKI. So do you have thoughts or recommendations you would like to make to us?

Mr. BENJAMIN. Well, one of the issues, as you point out, is that we do have a number of requirements that are already upon us, one of those being providing service for persons with disabilities. And that is an ever-increasing cost to every transit system in the United States.

It is a critical service for us to provide because we are, in fact, the lifeline for many of those people. It is the only way that they can become productive members of society, and therefore, it is critically important for us to provide the service.

However, what we are discovering is that it is overwhelming in terms of the cost increases, particularly in this area. It is overwhelming our ability to also provide service for everybody else because we just don't have enough money to catch up with everything. So, to the degree that the Congress can help us in funding

that portion, and that is actually everybody in the United States, every transit system in the United States, funding the increasing operating costs of that portion, it allows much of the State and local funding, which otherwise is going into those increases, to be used for improvements in bus and improvements in our rail service, which, as you point out, is where the vast majority of our people are.

So we have got to draw a balance between providing a critical service for people that have no other choice and providing the really major service for the vast majority of the people in the region. So it is an area that is very, very important. And I would encourage the Congress to look at that, both for Metro here, but for everybody around the country.

Senator MIKULSKI. That is what I was saying. This is a national issue, and it is a mandate. Well, I can only speak from personal experience. You know, about 10 months ago, I had a fall and cracked my ankle in three places. So I got around with a wheelchair. Then I got around with a walker. I had a space boot that was 3 feet long. But my situation was temporary.

But I learned a lot from the temporary situation because I often thought about for many people, whether it is a returning Iraq or Afghan vet, whether it is a senior citizen, a child injured in an accident, mine was temporary, but for many, it would be permanent. But I mean, even for me, getting to doctor's appointments, returning to work, I had a car and somebody to help me.

If I didn't have that, and you will be interested to know, when I came in to vote for Sotomayor and I came in from Mercy Hospital to meet my constitutional responsibility, I came in a mobility van. Not yours, but something provided by the Senate to move handicapped Senators or staff around. I thought, you know, there are people that do this every day, and they need it. I am really committed to them having that service.

But what you are saying is commitment, social policy, economic policy, this would be an area where the Federal Government is not taking over the role of the State and locals, but it is meeting a Federal mandate. This is an area that would enable State and locals to use other of their funds. So now you are subsidizing the Federal mandate when the Federal Government should be paying the share for its own mandate.

Mr. BENJAMIN. Extremely well said, Senator Mikulski.

Senator MIKULSKI. Is that the way it would go?

Mr. BENJAMIN. Absolutely.

Senator MIKULSKI. Well, I think that is a very good direction to go in because as we ponder how to think about more money, again, the national systems—New York, San Francisco, Chicago, any big city, my own, the one in the Baltimore area—we don't want to get in the business of being the local government or the State government. But I think this is a very good guidance.

CORRECTIVE ACTION PLANS

Before I go on to the other panel, I do have a question again about the FTA report. I understand that there were a number of open cases that were in the audit. I think there were 63 open cases

dating back to 2006. Could you tell me where you are on your open cases and the backlog, and were they resolved?

Mr. SARLES. Sure. They are not all resolved yet. One of the things that we have been much more aggressive about is these corrective action plans, and there are old ones and new ones get added. We have actually become more aggressive in the last few months, upping the number of closeouts, if you will.

I have given staff a goal of 10 a month so that when you look at where we are—we are about at 85 because others got added. But we are now cutting away at that backlog, if you will, and the goal is to get them down quickly.

Senator MIKULSKI. How old is your oldest case?

Mr. SARLES. It is several years old. I don't remember the exact date, but it is several years old.

Senator MIKULSKI. In other words, are you moving the backlog?

Mr. SARLES. We are going after the backlog, too, as well as the current stuff. Yes.

Mr. BENJAMIN. Senator Mikulski.

Senator MIKULSKI. Yes.

Mr. BENJAMIN. This was the area that I was referring to that the board was actually very shocked when we discovered how many of these cases there were. There are two parts to it. One is the creation of a corrective action plan. That is responding to an audit finding and saying this is what we are going to do.

We did reasonably well on that, but not very well; we had a lot of corrective action plans that had never been filed, never been created.

The second part is actually implementing that plan and making sure you have done something. Now some of those you can do very quickly and easily. Some of those are very difficult because one of them, for instance, is a recommendation by the National Transportation Safety Board that we replace 300 1000 Series railcars. Well, that takes a lot of money and takes a lot of engineering. So those take longer.

So it is reasonable for some of them to be a little bit older and some of them to be newer. But one of the things we on the Board have said is we want to know what is out there and what progress we are making and we are now getting those reports.

Mr. SARLES. To give you a more definitive answer, the oldest two are from 2004 and have to do with configuration management, which is how you make sure all the changes that take place on a particular event get integrated. Those are the two oldest.

Senator MIKULSKI. Well, that is exactly what we are talking about, all the lessons learned.

Mr. SARLES. Yes.

METROACCESS

Senator MIKULSKI. One last question and this is a budget question. How much does it cost you to run MetroAccess, and how much is the Federal contribution? Do you know that?

Mr. SARLES. Off the top of my head—

Mr. BENJAMIN. I can tell you what the Federal contribution is. It is zero. It is around \$100 million—

Mr. SARLES. Yes, that is the number. And there is no Federal contribution to our operating budget. So we absorb that totally. The jurisdictions do.

Senator MIKULSKI. Well, I think that is an interesting insight.

Well, we want to thank you, Mr. Benjamin. We want to thank you, Mr. Sarles. We know we are going to have a lot more conversations. You are excused from the testimony. If you want to stick around, we are happy to have you.

NONDEPARTMENT WITNESSES

Senator MIKULSKI. We would now like to call up to the witness stand Ms. Jackie Jeter, the president of the Amalgamated Transit Union Local 689. We also wanted to hear from the riders. We wanted to hear from Mr. Francis DeBernardo, the chairman of the Metro Riders' Advisory Council, and Mr. Jack Corbett, the head of MetroRiders.org.

So, Ms. Jeter, you represent a good bit, if not the majority of workers at WMATA. We would love to get your views on safety. And again, there were people who were members of the union who passed away at these terrible and horrific accidents, our sympathy and condolences to their families.

But we feel that the way we can express sympathy is to make sure it doesn't happen again and again and again. So we welcome your testimony and your insights.

And to the riders, we want to hear what you have got to say and uncensored, no holds barred.

STATEMENT OF JACKIE JETER, PRESIDENT, AMALGAMATED TRANSIT UNION, LOCAL 689

Ms. JETER. Thank you.

I would like to start off by thanking Chairwoman Murray, as well as you, Senator Mikulski, on your insight concerning the Federal Transit Administration's audit, also your introduction of Senate bill 1506 on WMATA safety. It shows the dedication that is needed on this particular issue.

Every WMATA stakeholder has a vested interest in making sure that we discuss the issues, but more importantly, making sure that we find solutions that enable us to move forward. As a stakeholder, Local 689 is fully aware of each safety, funding, and operations issue is interdependent. It is incumbent upon all of us to rebuild the public's confidence in our good, but aging transit system.

I will address each part of the questions that you ask. I will start with the budget. In order to realistically develop a plan of action that will address the various safety issues facing the transit system, we must begin with the funds necessary to operate and improve it. The infrastructure at WMATA rail system is over 30 years old, and as such, an investment must be made to improve technology, repair the places where the structure has weakened, and provide for growth of the system.

Proper fiscal planning must be the cornerstone of this system. We have debated wage and benefit issues for the last 3 years and have been victimized by WMATA's failure to adequately plan for expected labor cost increases. Beyond the impact of wages and benefits, it is the impact on the public, as service cuts are becoming standard practice to help close budget gaps.

Further, insufficient capital funds have led WMATA into an environment where less than a state of good repair exists. For example, WMATA has identified \$11.4 billion in capital needs over the next 10 years. Even with maintenance of efforts, the budget gap will not be completely closed and only maintaining the present system without providing an expansion.

And in my written testimony, I go on, but I would like to also add that I would also recommend that requirements for meaningful whistleblower protection be included in the appropriations language. Some of the things that I talk about are the flexibility in the capital budget allocation in order to allow the use of capital funds to cover operating cost, making sure that the Federal transit benefit remains at the \$230 a month; the two appointments for the Metro board, in our opinion, should at least be someone of a transit advocacy background, environmental group, or a labor union; and when we go down to safety, we have addressed this holistically by defining safety as a three-pronged stool. Our internal process; interaction with WMATA, and the need to keep the public safety at the forefront of our decisions and consideration for all other components of the plan, including funding, that impact everything that we do; the concerns of the Metro workers; and needed improvements.

In the last several weeks, there has been an effort to look more closely at the overall safety issues affecting the system. Although I have been pleased to see some recommendations given to the Metro board, I am not confident that those changes will be implemented immediately. WMATA has inculcated a culture of deferment, which postpones needed improvements and changes in the system.

PREPARED STATEMENT

Finally, I note the tendency to blame individual employees instead of looking for underlying systemic causes of safety-related incidents. We believe that it should be urgency and rapidity that causes Metro to do what is needed to improve the safety of the Metro employees.

Thank you for your time and attention.

[The statement follows:]

PREPARED STATEMENT OF JACKIE JETER

I would like to begin by thanking Chairwoman Murray for convening this hearing and allowing us to participate in this important discussion. Senator Mikulski, thank you for your insight concerning the Federal Transit Administration's audit that has identified several serious underlying safety problems. Your introduction of Senate bill 1506 on WMATA safety shows the dedication that needs to be given to this issue.

Every WMATA stakeholder has a vested interest in making sure we discuss the issues, but more importantly making sure that we find solutions that enable us to move forward. As a stakeholder, Local 689 is fully aware that each safety, funding, and operations issue is interdependent. It is incumbent on all of us to rebuild the public's confidence in our good but aging transit system.

I will address each part of this equation: (1) Fiscal year 2011 budget request for WMATA; (2) Local 689's efforts to improve safety and operational reliability; and (3) concerns of metro workers and needed improvements.

FISCAL YEAR 2011 BUDGET REQUEST FOR WMATA

In order to realistically develop a plan of action that will address the various safety issues facing the transit system, we must begin with the funds necessary to operate and improve it. The infrastructure of the WMATA rail system is over 30 years old and as such, an investment must be made to improve technology, repair the place where the structure has weakened, and provide for the growth of the system.

While the need for more transportation has increased, the amount given to fund that necessity has not. That is evident from the current much publicized events at WMATA. The impact of insufficient funding has had a devastating effect on workers, riders, businesses and overall development in the three jurisdictions hosting the system. Public transportation will never be profitable; it is a public service. The critical nature of funding and the lack thereof has a major impact on the riding public and WMATA employees.

Proper fiscal planning must be a cornerstone of this system. We have debated wage and benefit issues for the last 3 years and have been victimized by WMATA's failure to adequately plan for expected labor cost increases. Beyond the impact on wages and benefits is the impact on the public as service cuts are becoming standard practice to help close budget gaps. I will emphasize the need for flexibility in the capital budget allocation in order to allow the use of capital funds to cover operating costs. The ability to purchase a bus or rail car is only one part of the equation. If the Federal Government does not establish flexibility in the use of funds, it will be guilty of weakening the system. As users and providers, ATU Local has spent many hours developing and outlining these suggested measures:

- Extend the Federal Transit Benefit at the \$230 per month level (Currently set to expire and revert to \$120 per month as of December 31, 2010).
- Require the Federal General Services Administration to appoint the two remaining WMATA board members, (one voting, one non-voting) with at least one with a transit advocacy background, such as an environmental group or labor union.
- Support the passage of the Carnahan/Brown Bill to permit large systems flexibility in use of Federal capital funds to cover operating costs.
- Passage of an "Emergency Assistance" bill that would help transit agencies through this recession.
- Move on 6-year Federal re-authorization bill that provides a permanent funding plan for transit agencies. (Extension of current authorization expires 12/31/2010. WMATA had recently proposed a \$4.6 billion, 6 year capital program. The previous "Metro Matters" agreement spent \$2.8 billion + \$.2 billion in Stimulus Funds over a 6 year period. Adding the \$1.8 billion in Federal and local "dedicated funds" would have been a \$4.8 billion program. Adding an inflation factor would make that total even higher. The current draft agreement provides for a level of spending just over \$5 billion over the next 6 years.)
- WMATA has identified \$11.4 billion in capital needs over the next 10 years. Even with "maintenance of effort" the budget gap will not be completely closed and only maintaining the present system without providing any expansion capacity.
- The General Services Administration should be urged to locate new Federal facilities in the Washington area near Metro stations and restrict the number of parking spaces at such Federal facilities to a reasonable ratio of automobile *vs.* transit usage.
- Support Obama's "Public Transportation Safety Program Act" (SB 3015).
- Review carefully the formula grant that is used as the basis for Federal funding to consider adjusting the percentage allocated to Metro.
- Lobby to establish a dedicated funding source from the jurisdictions.
- Consider recapturing tax incentives given to businesses that surround the Metro stations. They should bear a greater share of the costs because they gain a greater benefit as a result of their location.
- The Federal transit benefit should be indexed to both increased use (riders) and inflation. It would get an annual increase automatically that reflects the real costs of providing increased services and any increase costs resulting from inflation.
- Consider supporting the development of the outer spokes of the system to increase ridership and revenue from business development likely to occur around the stations.

LOCAL 689'S EFFORTS TO IMPROVE SAFETY AND OPERATIONAL RELIABILITY

We have addressed this holistically by defining safety as a three pronged stool—our internal process, interactions with WMATA and the need to keep public safety

at the forefront of our decisions, and consideration of all other components of a plan, including funding, that impact everything we do. Our Internal process includes:

- In cooperation with WMATA, relying on the Joint/Labor Management Safety Committee to address issues as they occur.
- In our orientation process and during union meetings we openly discuss safety issues and solutions.
- Forging a proactive media campaign and release of public statements to apprise the public of issues and possible solutions to safety problems with Metro.
- Testifying before local and Federal agencies in regard to safety issues, incidents and accidents to publicize the changes and improvements needed to ensure greater safety throughout the system.

CONCERNS OF METRO WORKERS AND NEEDED IMPROVEMENTS

In the last several weeks there has been an effort to look more closely at the overall safety issues affecting the system. Although I have been pleased to see recommendations given to the WMATA Board, I am not confident that those changes will be implemented immediately. WMATA has inculcated a culture of deferment which postpones needed improvements and changes to the system. Finally, I would note that there is a tendency to blame the individual employee, instead of looking for underlying systemic causes of safety related incidents.

Local 689's experience concerning the investigations, leads us to the belief that to date, WMATA has not implemented several key measures that would make the Metrorail system safer.

Urgency and rapidity should be the hallmark of the suggested changes we are offering below. WMATA must consider instituting the following without delay:

- Multiple layers and redundancy of safety protections.
- Codification of standards for track worker safety similar to Federal Railroad Administration track worker safety standards.
- Clear and concise communication between workers and controllers.
- Clear notification and designation of work areas and zones on the right of way.
- Development of a safety communications plan that alerts all WMATA employees immediately to incidents.
- Immediate notification of the union when a safety incident occurs.
- Firm commitment to respect the rights of workers to have a union representative present during investigatory interviews after an incident.
- Effective worker safety training.
- Supervisory enforcement of safety standards.
- A process for WMATA employees, to appeal the standards they believe to be incorrect or unsafe, such as a Safety Appeal Board.
- Meaningful whistleblower protection to insure that employees are not fearful of reporting perceived safety problems.
- Effective labor-management safety committees.
- WMATA's commitment to the rapid development and implementation of procedures and standards that are calculated to improve safety immediately and in the long term.

Thank you for your time and attention to my concerns. I would be pleased to address any questions you might have in regard to my testimony. Thank you on behalf of my members and the riding public.

Senator MIKULSKI. Thank you. That was very powerful.

Let us go down this way. Mr. Corbett.

STATEMENT OF JACK CORBETT, DIRECTOR, METRORIDERS.ORG

Mr. CORBETT. Thank you, Senator.

I appreciate the opportunity to testify, and I wanted to thank you on behalf of our members for your having lit a fire under WMATA leadership some months ago when it was very much needed. We are very appreciative of that.

As you have said so well, the riders are very upset and have lost confidence in the system over the last year. The tragedy on the Metrorail system last June, the loss of Ms. Jeter's employees in other accidents, the scathing report from the Federal Transit Administration over the safety culture at WMATA, those things have all been very worrisome to riders. To ride the train and to see peo-

ple choosing not to go into the first car of a six-car train because they know that was the one that had the tragedy is very worrisome to us.

There is some good news. We are very pleased that two of the four Federal members of the Board of Directors have been appointed. Two, we are very pleased that WMATA has the leadership of Peter Benjamin this year, whose many years of service with WMATA makes him an admirable leader for WMATA's board during this very tough period.

We are really pleased that this subcommittee is having this hearing because there are not many Federal or regional agencies that have any leverage over WMATA. As you know from having cosponsored legislation, the FTA cannot mandate any safety for WMATA. The local Tri-State Operating Committee is powerless and cannot require Metro to do anything. So we think this subcommittee, through your power over the conditions of the \$150 million annual appropriations, can be very, very helpful.

And we have got some very specific suggestions. As you have already indicated, put on maintenance of effort requirement so the jurisdictions that have financial problems of their own don't play games where they give \$50 million in one side and they take money out of the other pocket. So that is very important.

The other things the subcommittee could do to be very helpful: you could call the administrator of the General Services Administration [GSA] right now. They have been interviewing candidates for the other two Federal appointments since Thanksgiving, and we have urged that at least one of them be a safety official that would be added to the Board of Directors, and they still don't have two final appointments to the Metro Board, when the Board has got to make very important decisions about safety, funding, and capital.

Before you finalize your appropriation this year, check to see how well WMATA is doing in agreeing to implement whatever recommendations the NTSB comes out with between now and then having to do with the causes of the tragic accident.

Also, it was your work last year that got the FTA to issue that report. We think the subcommittee report ought to indicate that FTA should do another report at the 1-year point just to see what you have heard from Mr. Sarles and Mr. Benjamin is really having an effect, rather than just being paper products.

PREPARED STATEMENT

We have other suggestions attached to our testimony. One I have to mention is even with WMATA's and the jurisdictions' best efforts, there is a \$3 billion shortfall in the capital needs, as Ms. Jeter has pointed out, over the next 10 years. In the current capital budget, there is no money for any additional railcars or buses for 10 years. That means the riders who are standing today are going to have to stand for 10 more years unless somebody, maybe the Congress, maybe the jurisdictions, contribute some funds to WMATA and other pressed transit systems in the country to fill that gap.

Thank you very much, Senator.

[The statement follows:]

PREPARED STATEMENT OF JACK CORBETT

Chairman Murray and members of the subcommittee: Thank you for inviting MetroRiders.Org to testify today to discuss fiscal year 2011 appropriations for the Washington Metropolitan Area Transit Authority (WMATA) and the safety and operational reliability concerns of Metrorail and Metrobus riders. MetroRiders.Org has represented the views of transit users in the Washington, DC metropolitan area beginning in 2004. We are a riders' voice outside WMATA.

SAFETY CONCERNS ARE PARAMOUNT

WMATA's recent and continuing safety and financial challenges are well known. The June 2009 Metrorail tragedy that took 9 lives and injured 80 others and the subsequent deaths of track workers document that Metrorail safety problems impact riders and employees alike.

Senator Mikulski's leadership in urging a Federal Transit Administration (FTA) safety audit of WMATA and the regional (powerless) Tri-State Oversight Committee generated a hard look at WMATA's own safety program and resulted in a scathing FTA report questioning the safety culture at WMATA. More recently, David Gunn, a former WMATA General Manager, was asked by the current WMATA Board to conduct a review of the entire Metro operation. That 2-week review resulted in a report highly critical of WMATA's management and organization and suggested that "MetroRail has downhill momentum that will be difficult to stop." Both the FTA audit and the Gunn presentation to the WMATA Board should be included in the record of today's hearing.

Finally, the National Transportation Safety Board (NTSB) held 3 days of investigative hearings in February about the June 2009 Metrorail tragedy; its findings on the probable cause or causes of that accident should be released soon. For all these reasons it's understandable that there has been a loss of rider and public confidence in Metro's safety, management and operation.

WMATA BOARD HAS BEEN RESPONSIVE TO SAFETY CONCERNS

The current WMATA Board has played catch-up but is now attuned to fixing the system's safety problems. We are grateful that current WMATA Board Chairman Peter Benjamin has had decades of experience as a WMATA staff official and is leading the Board—composed of public officials and political appointees—during this critical period. The recent appointments of an Interim General Manager and a new WMATA Chief Safety Officer are hopeful signs.

FINANCIAL PROBLEMS UNDERLIE THE 34-YEAR OLD METRORAIL SYSTEM'S FRAILTY

Metrorail's safety problems are not unconnected to its age. Like many aging transit systems across the Nation, Metrorail needs to replace its oldest cars and rail infrastructure to meet FTA's "state of good repair" recommendations, as well as to increase rail and bus capacity to meet growing traffic demand. Unfortunately those capital requirements are occurring at a time when WMATA's contributing jurisdictions are hard pressed to provide the needed resources because of their declining revenues during the national economic downturn.

FISCAL YEAR 2011 OPERATING BUDGET GAP IS ALMOST RESOLVED

There's somewhat better news, at least procedurally, about WMATA's operating budget. Everyone has read that WMATA has an estimated \$189 million gap in its fiscal year 2011 Operating Budget (July 2010–June 2011). While riders will have to pay substantially higher fares starting this summer to help eliminate the coming year's operating budget gap and even then may suffer some service cuts, the WMATA Board has handled this situation very well. It opened up its decisional process to input from riders and the general public well before tough decisions were needed.

WMATA received some 5,000 communications from the public about ways to solve the budget problem; some groups, including MetroRiders.Org, offered highly detailed proposals that were designed, for example, to move riders out of congested peak periods where possible, and to generate adequate revenue to eliminate or substantially reduce the need for Metrorail and Metrobus service cuts. We are grateful to the WMATA Board and staff for carefully considering these options. That the process was open, transparent and deliberative will make the resulting and inevitable fare increases somewhat more palatable.

METRORIDERS.ORG'S "TOP 10 RECOMMENDATIONS TO IMPROVE WMATA"

MetroRiders.Org has developed a substantial list of recommendations for restoring the public confidence in WMATA's governing body and management and in the safety of everyday Metrobus and Metrorail operations. That list is attached, and our recommendations would involve actions by this subcommittee, other Senate and congressional committees, Maryland, Virginia and the District of Columbia, the WMATA Board itself, and private organizations as well.

SENATE THUD APPROPRIATIONS SUBCOMMITTEE HAS BROAD JURISDICTION OVER WMATA

This subcommittee's jurisdiction over WMATA includes the authority to make appropriations for the U.S. Department of Transportation and its component agencies such as FTA and, specifically, from title VI of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110-432, October 16, 2008) (PRIIA). That recent law authorizes the appropriation of up to \$150 million annually for a decade to WMATA to finance in part the capital and preventive maintenance programs included in the Capital Improvement Program approved by WMATA's Board of Directors. Those Federal funds must be matched by contributions of "dedicated" State and local funding from Maryland, Virginia and the District of Columbia.

That statute included a number of additional, specific conditions upon which congressional appropriations to WMATA would depend.¹ MetroRiders.Org urges this subcommittee to actively supervise WMATA's compliance with these conditions:

—The subcommittee should appropriate the full authorized \$150 million in Federal funds in fiscal year 2011 for WMATA capital projects but with conditions.

MetroRiders.Org is appreciative of this subcommittee's appropriating \$150 million to WMATA for fiscal year 2010 but is disappointed that, 6 months after that fiscal year 2010 appropriations was enacted, WMATA has not yet finalized its application for FTA project approval for Federal and local matching funds. That said, the subcommittee should make full appropriations to WMATA for fiscal year 2011, as recommended in the President's budget, because the funding is much needed for high priority capital projects.

—Fiscal year 2011 appropriations should be conditioned upon the State and local jurisdictions' maintaining their past "continuity of effort" with their own funds as the \$300 million annual Federal/local match contribution was to be all "new money."

We and other groups (and the local media) were very disappointed that the State of Maryland recently tried to reduce its fiscal year 2011 capital contribution to WMATA below its past contribution level. Had this effort been successful, Maryland's \$50 million in matching funds for the PRIIA appropriations would have been provided but its past annual contribution to WMATA (from the same pot of State "dedicated funds") would have been reduced—resulting in a displacement of State funds with Federal capital funding. Worse, because Maryland, local jurisdictions in Virginia, and the District of Columbia contribute to WMATA based on a pro-rata formula, Maryland's reduced contribution would have also limited the contributions that the other two jurisdictions would make in fiscal year 2011.

Only the glare of unfavorable publicity apparently caused Maryland recently to agree to increase its fiscal year 2011 capital contribution to WMATA to its fiscal year 2010 level plus the \$50 million in new PRIIA-matching funds.

Congress should condition fiscal year 2011 PRIIA appropriations to WMATA upon all three jurisdictions maintaining their past "continuity of effort" with their own funds. If severe fiscal problems in any jurisdiction preclude such continuous funding

¹Title VI authorized the Administrator of General Services to appoint four new directors to the WMATA Board, two voting and two non-voting directors with one voting director "to be a regular passenger and customer of WMATA's bus or rail service." To date, GSA has only appointed two directors, one voting and one non-voting. Both appointees are highly regarded and have been important additions to the WMATA Board. Because the WMATA Board is considering many critical agenda items (6-year capital budget, fare increases for fiscal year 2011, etc.) we believe the GSA Administrator should announce her final two appointments as soon as possible, as well as to specify which of the two voting directors would be the designated "regular passenger" board member.

Further, the statute required WMATA to appoint an Inspector General for the agency, with full IG-level powers for internal investigations of budgetary and agency management issues. We have been disappointed that the new Office of Inspector General has concentrated on auditing agency contracts (as had the predecessor internal auditor) and has not focused on important agency management issues, as Congress clearly intended by its mandate. The media has performed what are traditional IG functions at WMATA, such as identifying ineffective staff organization of safety functions, lack of proper treatment of the Tri-State Operating Committee, etc.

levels, that jurisdiction must promise to make up any shortfall within a specific number of fiscal years.

—Before the House-Senate Conference on fiscal year 2011 THUD Appropriations, the subcommittee should review the adequacy of WMATA's response to the NTSB's findings and safety recommendations resulting from the June 2009 Metrorail crash.

In fiscal year 2010, the Congress conditioned WMATA's use of PRIIA appropriations to assure that safety projects would be funded. In fiscal year 2011, the Congress should review the adequacy of WMATA's response to the NTSB recommendations, anticipated to be released shortly. Currently, WMATA has a \$30 million plug in its proposed 6-year capital budget for this purpose.

—The subcommittee report on fiscal year 2011 PRIIA appropriations for WMATA should request FTA to undertake a follow-up safety audit of WMATA 1 year after the first audit.

Because FTA's recent audit of WMATA found many serious safety concerns, and because FTA doesn't currently have authority to regulate WMATA's rail safety operations (see attached "Top Ten Recommendations to Improve WMATA" list), the subcommittee should urge FTA to conduct a follow-up audit of WMATA a year later to see if internal WMATA safety management has improved in the interim.

—The subcommittee should appropriate funding to implement enactment of the "Public Transportation Safety Program Act of 2010."

As you know, FTA currently is statutorily precluded from setting and enforcing safety standards for rail transit systems such as WMATA's Metrorail system. We hope this legislation can be enacted soon, separately if necessary from congressional reauthorization of multi-year surface transportation funding. When enacted, FTA could set safety standards for Metrorail, or Maryland, Virginia, and the District of Columbia could empower the Tri-State Operating Committee to undertake safety regulation of Metrorail. MetroRiders.Org prefers direct Federal safety regulation of WMATA by FTA.

The administration has requested \$24.1 million in fiscal year 2011 for a new Rail Transit Safety Oversight Program and for an additional \$5.5 million to fund 30 FTE in FTA's new and expanded Office of Safety. We hope the authorizing committees of Congress act on this needed legislation soon and that this subcommittee can provide the necessary appropriations.

Again, thank you for allowing MetroRiders.Org to testify. I'd be pleased to answer any questions.

METRORIDERS.ORG' S "TOP TEN RECOMMENDATIONS TO IMPROVE WMATA"

Safety

Enact S. 1506/H.R. 3338 to authorize the Secretary of Transportation to establish national safety standards for transit agencies operating heavy rail on fixed guideways.

Request FTA to update its safety audit on WMATA 1 year later.

Assure adequacy of WMATA's response to expected findings and safety recommendations of the National Transportation Safety Board (NTSB) concerning the probable cause of Metrorail's June 2009 crash with fatalities and injuries.

Capital Financing

Approve full authorized \$150 million appropriation for WMATA in fiscal year 2011 on matching basis with Maryland, Virginia, and the District of Columbia but with conditions.

Condition fiscal year 2011 appropriations to WMATA upon State and local jurisdictions' maintaining their past "continuity of effort" with their own funds as the \$300 million annual Federal/local match was to be "new money."

WMATA, its Contributing Jurisdictions and Congress should develop a plan to provide \$3 billion in additional capital funding to WMATA over the next 10-year period (fiscal year 2011–fiscal year 2020) to provide needed rail and bus capacity during the decade beyond the inadequate \$5 billion 6-year capital plan now being negotiated by WMATA with its Contributing Jurisdictions.

Management / Governance

The Administrator of General Services should appoint the remaining two Federal directors to the WMATA Board of Directors to supplement the existing two appointees and to designate one of the two voting Federal directors as the "regular passenger" Board member.

Support the project of the Metropolitan Washington Council of Governments and the Greater Washington Board of Trade for a fast-track, independent review of WMATA's current governance structure.

Support amendments to the congressionally-approved “WMATA Compact” that would make transparent and available for public comment the various “behind-closed-doors” negotiations among the Contributing Jurisdictions as to their future capital contributions to WMATA and to require WMATA to follow the “open government meeting laws” of area jurisdictions.

Other

Congress should extend the current \$230/month transit “commute benefit” beyond December 2010 for parity with the existing parking benefit.

Senator MIKULSKI. Thank you. That was a very meaty presentation, Mr. Corbett. Thank you very much.

Mr. DeBernardo.

STATEMENT OF FRANCIS DeBERNARDO, CHAIRMAN, RIDERS’ ADVISORY COUNCIL

Mr. DEBERNARDO. Yes, thank you. Thank you, Senator Mikulski.

Thank you for inviting me to testify. My name is Francis DeBernardo, and I am chair of the Metro Riders’ Advisory Council.

As a transit-dependent rider, I commute each day via Metrorail and Metrobus from my home in Greenbelt, Maryland, to my office in Mount Rainer, Maryland. On behalf of the council, I commend President Obama for including \$150 million in his proposed fiscal year 2011 budget for capital and preventive maintenance projects.

I also thank Congress for including funding in this year’s budget. These grants, matched by jurisdictional partners, will address critical safety needs.

As riders, we appreciate the Federal Government’s recognition of the unique relationship between itself and Metro and urge you to ensure that these funds remain in the fiscal year 2011 budget. We ask, too, that you ensure that local jurisdictions will continue to fund Metro’s capital needs by making any Federal aid dependent on maintenance of efforts from local jurisdictions.

Along with this \$300 million, Metro and its partners must finalize a new capital funding agreement. Metro has estimated that it has \$11 billion in capital needs over the next 10 years. However, as has been mentioned, if funding levels proposed remain constant over the next 10 years, funding will fall short by over \$3 billion.

Failing to keep the system in good repair seriously threatens safety. While certainly not as dramatic as the incidents that have occurred this past year, crowded platforms following service disruptions, crumbling platform tiles, and out-of-service elevators and escalators are significant recurring safety concerns. Ensuring stable and sufficient capital funding for Metro is necessary to improve safety.

Commuters are not the only ones who benefit from good transit. The entire region benefits economically. Tourists visiting the Nation’s capital benefit from having a convenient way to see the city. The Federal Government benefits from greater productivity. And drivers benefit from reduced congestion on roadways.

Riders have expressed their vision for improvements at Metro. They want more reliable service, greater focus on customers, and clearer frequent communication from Metro, especially when things go wrong. Metro will soon begin a more robust reporting of its operational performance, and riders look forward to working with Metro to use those reports to improve service.

Safety should top the list of Metro's core values. Effective oversight is critical to maintaining safety and confidence in transit. Mandates and projects that improve safety while maintaining service quality can greatly enhance transit. Mandates that impair service in the long run in the name of safety will only drive commuters to other more dangerous modes of travel.

PREPARED STATEMENT

We are pleased that Congress is taking a strong interest in the safety and success of the Washington area's transit system. I thank you for this opportunity to provide testimony and would be happy to answer any questions you have.

[The statement follows:]

PREPARED STATEMENT OF FRANCIS DEBERNARDO

Chairman Murray, Ranking Member Bond and members of the subcommittee, thank you for inviting me to testify today. My name is Frank DeBernardo and I am chair of the Metro Riders' Advisory Council.

The Riders' Advisory Council was established by Metro in September 2005 and serves as the riders' voice within Metro. The Council provides feedback to the Board as well as customer input to Metro staff. Council members are appointed by the Board of Directors. The Council consists of 21 members, 2 from each of the District of Columbia, Maryland and Virginia, 2 appointed at-large and the Chair of the Accessibility Advisory Committee. Members use all of Metro's transit services—Metrobus, Metrorail and MetroAccess—and represent a diverse mix of ages, backgrounds and ways in which they use Metro.

Metro experienced several tragedies in 2009, and suffered a substantial loss of public confidence. The June 2009 crash on the Red Line and subsequent declines in service reliability not only shocked and saddened the region, they also accelerated awareness of the larger problem, the growing disrepair of the Metrorail infrastructure.

Despite the challenges faced by WMATA, it remains a vital asset to the Washington region. A recent Washington Post poll found that 80 percent of riders rate the system positively. During April 2010, Metrorail recorded 3 of its top 5 highest ridership days (April 1, 2, and 7). This underscores the region's dependence on Metro and also highlights the need to redouble efforts to maintain and expand the system.

On behalf of the Council, I would like to first commend President Obama for including \$150 million in his proposed fiscal year 2011 budget for capital and preventive maintenance projects at Metro. These grants, matched by dedicated funding from Metro's jurisdictional partners, will help fund projects to address Metro's most critical safety needs. As riders, we appreciate the Federal Government's recognition of the unique relationship between the Federal Government and Metro and urge you to ensure that these funds remain in the fiscal year 2011 budget as it is considered by Congress. We ask, too, that you help to ensure that local jurisdictions will continue to adequately fund Metro's capital needs by making any Federal aid dependent on maintenance of efforts by local jurisdictions.

Along with the \$300 million provided annually through the Passenger Rail Investment and Improvement Act of 2008, Metro and its partners must finalize a new capital funding agreement prior to the beginning of the new fiscal year on July 1, 2010. We are encouraged that jurisdictions have committed to fund a \$5 billion 6-year capital plan. Recent decisions to restore funding for Metro's capital plan represent good news for riders. However, Metro estimated that it has \$11 billion in capital needs over the next 10 years; the 6-year plan, as proposed, will mean that Metro will still fall short of this estimate of needs by over \$3 billion over the next 10 years.

Failing to keep the system in a state of good repair seriously threatens safety. While certainly not as dramatic as the incidents that have occurred over the past year, crowded platforms following service disruptions, crumbling platform tiles and out-of-service elevators and escalators are significant, recurring safety concerns.

Ensuring stable and sufficient capital funding for Metro is necessary to improve safety.

As WMATA prepares to enter into its next capital plan on July 1 of this year, governments must also provide the resources necessary to adequately maintain Met-

ro's safety and service, from specific safety recommendations from the National Transportation Safety Board to the everyday yet critical maintenance challenges.

In addition, WMATA must secure support for its operating budget. Closing the currently-projected \$190 million operating budget gap for fiscal year 2011 will likely require both substantial fare increases and significant service cuts. Proposed service cuts, while greatly reduced from the original proposals, will still result in riders paying more for less service. During recent public hearings on WMATA's proposed operating budget, fare increases and service reductions, riders expressed a clear preference for increased fares over reductions in service. However, fares cannot be raised too greatly lest riders, especially the most vulnerable, be priced off of Metro. In addition, members of the public stated clearly that Metro must work to improve its service reliability.

The Council is encouraged that Metro will, next month, launch its' "Vital Signs" report to provide the Board, the public and other stakeholders a detailed overview of Metro's monthly performance. As rider representatives, the Council looks forward to working with Metro to ensure that these reports provide meaningful information and that issues they identify are subsequently addressed. It is an old adage that "What gets measured gets done." These reports represent an opportunity for an honest dialogue between Metro and its stakeholders about what needs improvement and how we can work together to make those improvements happen.

Commuters are not the only ones who benefit from good transit. The entire region benefits economically. Tourists from around the country who visit the Nation's capital benefit from having a safe and convenient way to see the city. The Federal Government benefits from greater productivity. And drivers benefit from reduced congestion on roadways. For that reason, the Riders' Advisory Council and transit advocacy groups asked local jurisdictions to increase their contributions enough to forestall severe service cuts, and it appears that many of the most onerous cuts will be avoided.

Over the long term, Federal, State and local governments must recognize the tremendous asset that Metro represents to the region and support it accordingly. A majority of residents in the aforementioned poll said that the region should find new ways to fund Metro, even if that meant raising some taxes.

Metro's budget difficulties are certainly not unique among the Nation's transit systems. A recent study released by the American Public Transit Association noted that 84 percent of transit systems in the United States are planning to raise fares and/or decrease service, or have already done so. Metro does provide uniquely direct value to the Federal Government, and therefore we hope Congress and the States can work together to explore long-term funding sources.

In the midst of all of these challenges, Metro must also find a new, permanent General Manager. The Council hopes that as the Board begins its search it will solicit input from all of Metro's stakeholders, including its riders and its employees.

Riders have expressed their vision for improvements at Metro. They want more reliable service, greater focus on customers, and clearer, more direct and more frequent communication from Metro, especially when things go wrong. While the General Manager must ensure a safe system, the region also needs a GM able to improve service quality and communicate effectively with the public to restore confidence. The Board should seek a candidate able to address Metro's long-term as well as short-term challenges and listen to stakeholders' views about those challenges.

Safety should top the list of Metro's core values. Effective oversight is also critical to maintaining safety and customer confidence in transit. Still, safety cannot exist in a vacuum. Statistics show that commuting by rail is approximately 34 times safer than driving, and many riders make a daily decision between the two.

Mandates that improve safety while maintaining service quality can greatly enhance transit; mandates that impair service in the long run in the name of safety will only drive commuters to other, more dangerous modes of travel. Transit must be safe; it also must not be permanently hamstrung in ways that actually make travelers across all modes less safe.

We are pleased that Congress is taking a strong interest in the safety and success of the Washington area's transit system. At the same time, safety for commuters in our Nation's capital does not start and end with Metrorail. A U.S. Department of Agriculture employee was killed by a driver after the recent snowstorm when the employee tried to walk to the Branch Avenue Metrorail station in Prince George's County, Maryland, where the sidewalks had not been cleared.

Metro safety issues have received considerable press recently, but the degree of press attention has been so great specifically because Metrorail fatalities are so rare, while fatalities on roadways are common to the point that we have become inured to these tragedies. This Congress should not ignore these larger safety con-

cerns, and could draw needed attention to them by also conducting oversight into the ways in which elements of the entire transportation network, including our roadway designs, snow removal policies, and traffic law enforcement succeed or fail at maximizing the safety of commuters on all modes.

A safe, reliable, well-maintained and adequately funded Metro system will enhance the entire region, including the Federal Government. I thank you for the opportunity to provide testimony and would be happy to answer any questions you may have.

ATTACHMENT A.—LIST OF CURRENT RIDERS' ADVISORY COUNCIL MEMBERS

RIDERS' ADVISORY COUNCIL ROSTER (AS OF MAY 17, 2010)

2010 Officers:

Chair: Frank DeBernardo
 District of Columbia Vice-Chair: David Alpert
 Maryland Vice-Chair: Victoria Wilder
 Virginia Vice-Chair: Dharm Guruswamy

JURISDICTION

At-Large:

Dharm Guruswamy
 Carl Seip
 Patrick Sheehan (Accessibility Advisory Committee Chair)

District of Columbia:

David Alpert
 Kelsi Bracmort
 Patricia Daniels
 Kenneth DeGraff
 Carol Carter Walker
 Diana Zinkl

Maryland:

Sharon Conn (Prince George's County)
 Frank DeBernardo (Prince George's County)
 Christopher Farrell (Montgomery County)
 Ronald Whiting (Montgomery County)
 Victoria Wilder (Montgomery County)

Virginia:

Penelope Everline (Arlington County)
 Robert Petrine (Fairfax County)
 Clayton Sinyai (Fairfax County)
 Lorraine Silva (Arlington County)
 Evelyn Tomaszewski (Fairfax County)
 Lillian White (City of Alexandria)

ATTACHMENT B.—LETTER TO BOARD OF DIRECTORS CONCERNING METRO'S FISCAL YEAR 2011 OPERATING BUDGET

RIDERS' ADVISORY COUNCIL,
 Washington, DC, April 19, 2010.

CHAIRMAN BENJAMIN AND MEMBERS OF THE BOARD: This letter serves as the formal position of the WMATA Riders' Advisory Council on the fiscal year 2011 operating budget, currently estimated to contain a \$189.2 million shortfall.

First, we recognize and appreciate the efforts of the Board of Directors to solicit meaningful public comment on a wide variety of proposals to address the current budget situation. Providing the public with alternatives has spurred public debate and allowed riders to select from a menu of options to create a sound fiscal year 2011 budget. We strongly encourage the Board and the Authority to review the fiscal year 2011 budget and reduce administrative spending as much as possible to close the projected budget gap.

Over the past several months, our members have held lengthy meetings devoted purely to the budget, attended public hearings, solicited feedback on their commutes, and debated the merits of the many different proposals put forward by WMATA staff, the Board and other groups.

This Council is faced with two distasteful options—service reductions which could drastically impact the quality of life in our region and/or fare increases that might price some residents out of using our transit system.

To limit the need for these drastic options, the R.A.C. continues to strongly support increased jurisdictional subsidies and dedicated local and Federal funding for the Metro system. While budgets are tight, we remain hopeful that local and Congressional leaders will fight to expand Metro funding at the jurisdictional and Federal level in recognition of the Authority's role as a unique regional and national asset.

We also recognize that Metro will make changes to MetroAccess service, continue negotiations with its operating unions to decrease costs, cut administrative positions, and continue to explore alternative revenue sources in an effort to reduce the budget shortfall in fiscal year 2011.

We are deferring to the Accessibility Advisory Committee's recommendations on the proposed changes to MetroAccess, which have already been submitted as part of the public hearing record.

If the Board, after it exhausts all other options to close the fiscal year 2011 budget gap, finds that fare increases and service cuts on Metrorail and Metrobus are absolutely necessary, the WMATA Riders' Advisory Council prefers the following proportions and priorities for the Board's decisionmaking:

If any fare increases should be necessary, we prefer the Board implement them in the following order from least to most undesirable:

- Decreasing the transfer time among all modes from 3 to 2 hours; raising the fare differential for (rail) paper farecards; and instituting a peak-of-peak rail surcharge, which are preferable to
- Increasing late-night weekend fares (after midnight); increasing the reserved parking fee; and increasing airport bus fares (with the consideration that steps be taken to protect airport workers), which are preferable to
- Increasing bicycle locker rental fees; increasing general parking fees; and increasing express bus fares for non-airport buses, which are preferable to
- Increasing the SmarTrip fare differential on bus, which is preferable to
- Increasing base bus fare along with an increased transfer discount, which is preferable to
- Increasing regular (rush hour) rail fare, which is preferable to
- Increasing reduced (off-peak/weekend) rail fare, which is preferable to
- Any special event fares on rail; peak fare surcharges on crowded bus routes; and increasing base bus fare without increasing the transfer discount, which are preferable to
- Reducing the age at which children ride free, from under 5 years of age to under three years of age.

If any service cuts to Metrorail should be necessary, we prefer the Board implement them in the following order from least to most undesirable:

- Modifying headways and train lengths on four holidays: Columbus Day, Veterans' Day, Martin Luther King's Birthday and Presidents' Day; Restructuring peak service on the Red Line to have 3 min headways from Grosvenor to Silver Spring and 6 min from Silver Spring to Glenmont and Grosvenor to Shady Grove; and early morning weekday headway widening, which are preferable to
- Closing station entrances or mezzanine levels (after a full and transparent review of safety and security issues these closures may cause), which are preferable to
- Weekend headway widening, which is preferable to
- Late night headway widening, which is preferable to
- A later weekday opening time at 5:30 a.m., which is preferable to
- A later weekend opening time at 8 a.m., which is preferable to
- Earlier weekend closing times; and weekend station closures, which are preferable to
- Elimination of peak 8-car trains; elimination of Yellow Line service to Fort Totten off-peak/weekends; and elimination of Yellow Line service after 9:30 p.m. and on weekends except for a rail shuttle between King Street—Huntington.

If any service cuts to Metrobus should be necessary, we prefer the Board implement them in the following order from least to most undesirable:

- Reducing and eliminating bus stops after a full and transparent review of cost, safety and security measures that these changes may cause; and reductions in holiday service, which are preferable to
- Eliminating of line segments/local overlap, which is preferable to
- Peak-period headway widening, which is preferable to
- Weekend headway widening; and off-peak weekday headway widening.

We strongly recommend that any proposals to eliminate entire bus lines, weekend routes or service, or late-night (after midnight) trips be examined on a case-by-case basis and give consideration to distance and accessibility of alternative route service during peak and off-peak times and route efficiency metrics.

Additionally, we suggest the Board find a middle-ground on many of the aforementioned fare and service changes. Rather than focusing a disproportionate level of service cuts or fare increases on one sector of Metro riders, if any are necessary, we strongly prefer a moderate slate of cuts and increases that is spread more evenly across the entire ridership base.

If the Board must make fare increases and service cuts, we prefer that service cuts represent a very small percentage compared to fare increases. As noted above, we hope that increased jurisdictional contributions and other savings measures can reduce as much as possible the need for fare increase or service cuts.

As you well know, Metro is our communal responsibility. We all reap the benefits when we commute to work, attend cultural events, and visit friends throughout the region. It is this Council's sincerest desire to work with the Board to find more stable funding solutions so that a budget situation such as this one never happens again.

If you have questions about our proposal or would like to discuss this matter further, please contact myself or Carl Seip, Chairman of the Committee on the Budget, through John Pasek in the Office of the Board Secretary.

Sincerely,

FRANCIS DEBERARDO,
Chair.

Senator MIKULSKI. Well, thank you.

WORKER SAFETY

Before I get to kind of the rider questions, I would like to go to Ms. Jeter, if I may? I have been disturbed about so many things. First of all, the accidents themselves, the scathing FTA report, the Gunn report, the things that you have all referenced. But the very poignant tale of Mrs. Jeffrey Garrard, who called to share her safety concerns, and when she said that their solution was have a video and hand out hard hats. That there was no backup camera on the maintenance truck, the backup sound and lights were disconnected, and Metro didn't have floodlights.

You know, a safe Metro has to ensure the safety of the workers to ensure the safety of the riders. Do you feel that safety has improved for your workers? Do these patterns continue to persist? Or do you feel that steps are being made, and what steps do you see being made?

Ms. JETER. I can only say that I hear, just like you do, that steps are being taken. I am sure that Mr. Sarles has tackled those things that are right in front of his face. Unfortunately, I think that it is so entrenched that it is going to take—I have been disappointed for the last year almost. It has been almost a year now that nothing concrete other than testing, and I forget what it is called, but it is the test that they use to see whether or not they are going to have a circuit to fail, is the only safety measure that has taken place.

We have known ever since this accident has occurred, and I have talked to not only Garrard's wife, but I also talked to Jeanice Mc-Millan's mother, and I have to tell her that your daughter was an angel because although she died, she brought out a lot of issues that were here, entrenched at WMATA, and we have been able to look at them full faced. And hopefully, we will find a solution for them.

But I am disappointed because I keep hearing talk, but I don't really hear the "do."

Senator MIKULSKI. Well, what about the safety and the safety training and the safety officer?

Ms. JETER. I am looking forward to seeing that. I would like to see it right now. And I know for the last couple of weeks, I have been getting reports of safety committee meetings that have been taking place.

And because the union, too, has said, okay, we have to step up our safety efforts, and we have to be the ones that are going after incidents or things that are being told to us by the members, there has been a butting of heads, so to speak, because it seems like in those safety meetings, there is a plan of action that the management comes in with, and the workers want to talk about things that are actually happening out on the line, and they seem to be butting heads. So I have to look into that and find out what is going on because, to me, that is not going to resolve.

Senator MIKULSKI. Well, it seems to be that there needs to be a mechanism of communication between labor and management. In your testimony, you talked about relying on the Joint Labor-Management Safety Committee to address issues. Does that exist, and does it function?

Ms. JETER. It exists. We haven't met as that particular committee for a while. Actually, I got a letter from Mr. Sarles this morning, and one of the things that has happened, even though we weren't meeting, when Chief Taborn was acting as the safety officer, he included that committee in with the WMATA Executive Leadership Team [ELT] committee.

And after I attended a couple of the meetings, I am still trying to grapple how they function. But I am not so sure whether or not we should do that. But I am willing to see if it will work.

Senator MIKULSKI. Again, I am not the manager of WMATA, but I believe it is in the best interest of the functionality of the system that labor and management have a regular systematic way of communicating. That it be a regular system. That the top union officials have a chance to talk to the top Metro management to bring issues of concern. That it is regular and that they are systematic and that it have a formalized agenda.

This is not about contract negotiations. This is about problem solving.

Ms. JETER. Right.

Senator MIKULSKI. Does such a mechanism exist now? You are the head of the union.

Ms. JETER. I know. I will say, yes, it does because—I will say, yes, it exists, but it is not functioning properly. I will have to say it that way.

Senator MIKULSKI. Well, why doesn't it function properly? Does it meet on a regular basis?

Ms. JETER. The ELT committee does meet. I don't—I have a problem with actually including the two. I think we are going in two different directions. The union's position where safety is concerned is sometimes not at the same place that this ELT committee is.

Senator MIKULSKI. I understand that, but I am going to get lost in this committee. I mean a subcommittee and this subcommittee's name and so on. I am an outcome gal. So my outcome is this. What does it take to have labor and management meet on a regular basis, to have regular communication of things of mutual concern?

Ms. JETER. Mr. Sarles and I have spoken of that. We have both said that we are going to meet regularly with one another, and because of his answer to my letter this morning, concerning the Joint Labor-Management Committee, I will talk to him about that because—

Senator MIKULSKI. So, as of now, almost 11 months since the accident, there is no joint regular systematic, joint mechanism of communication?

Ms. JETER. The Joint Labor-Management Committee that was there, we stopped meeting when Alexa Samuels was the head. We stopped meeting. And we have had maybe one meeting. I think we had one meeting in February.

Senator MIKULSKI. Okay, let us stop. Mr. Sarles, what do you think? Do you think we can get something going here?

Mr. SARLES. Absolutely. In fact, inside of that first 2 weeks, I met with Jackie, and we personally are going to meet about once a month to go over safety concerns, besides what is going on in the organization.

Senator MIKULSKI. There has to be exactly this. You might have one view of what the safety issue is. They might be experiencing operational difficulty, and they are the ones on the line. They might know things you don't know or technology doesn't reveal or hasn't come up the chain of command. Or in the same way, if you are looking to approve it, get greater cooperation, suggestions on a variety of things, you need to have the assistance of the union. It is in their interest that everything be safe.

Ms. JETER. That is correct.

Senator MIKULSKI. Because they are the first to experience any breakdowns for not only such a horrific thing as death, but also injury, even if it is temporary injury, you know? So I am going to hope that what comes out of this hearing and some of the correspondence recently is that there is a regular way of communicating.

Ms. JETER. We will make that happen.

Senator MIKULSKI. Okay?

Ms. JETER. Yes.

RIDER SAFETY

Senator MIKULSKI. I will come back to some of the other issues. I would like to get to the riders for a minute now.

So, tell me, using an old Ronald Reagan phrase, my good friend Ronald Reagan, when he said, "Are you better off now than you were 4 years ago?" Do you remember that famous question?

Do you think that Metro is more of a safe place now than it was on June 22, 2009? Do you think that there have been improvements that you experience? And I raise that to both of you.

Mr. CORBETT. In my judgment, yes. We don't have the day-to-day experience that Ms. Jeter has with her members, but if one listens to the WMATA board meetings, you hear more of a concern about safety now than you did a year ago. It was embarrassing to me to hear that a WMATA board member said I've been a board member for 12 years, and I have never heard of this Tri-State Operating Committee. That was about a year ago.

It is much different now. The board members are much more attuned to safety, and we think at least in terms of that verbal level, which is all we can respond to, it is much better than it was then.

Senator MIKULSKI. Would you want to add or elaborate on that?

Mr. CORBETT. I am sorry?

Senator MIKULSKI. So you feel that there is progress and momentum, but more needs to be done as you recommend in your excellent testimony?

Mr. CORBETT. There is—thank you. We really are awaiting the results of the National Transportation Safety Board to see what WMATA does to those. Those could be very costly recommendations, and how they respond to those is going to be a very good signal as to whether the jurisdictions can come up with the money to address the NTSB concerns.

Senator MIKULSKI. Well, it will be my intention that when the NTSB makes their recommendations that we have a public discussion of that. In other words, what are they recommending? What was the rationale behind those recommendations? Then, to get a sense of what it would take to implement it other than budgetary and managerially.

Mr. DeBernardo?

Mr. DEBERNARDO. I would concur with Mr. Corbett. I think that there is definitely a renewed sense of urgency about the safety issue, and I am very optimistic that Mr. Sarles's new program of reporting vital signs of Metro will be very helpful for riders.

Senator MIKULSKI. Now to your Vital Signs, which we think is terrific, so the Vital Signs is the way that the riders can communicate, in addition to your official board capacity. Am I correct?

Mr. DEBERNARDO. We are advisory to the board, yes.

Senator MIKULSKI. So that is, and do you have regular systematic meetings where you can bring rider concerns to the board?

Mr. DEBERNARDO. Yes, we do monthly meetings.

Senator MIKULSKI. So you have a regular monthly meeting?

Mr. DEBERNARDO. Right. And we are hoping that with the Vital Signs report, when that comes out, it will give us a basis for discussion with the board and with the management at Metro.

Senator MIKULSKI. Now you said in your testimony extolling the virtues of Vital Signs, you talked about measurement, which is what I talked about in my opening remarks and some of the questions to the WMATA leadership. You said nothing gets acted on unless it is measured or that which is measured—

Mr. DEBERNARDO. That which is measured gets done.

Senator MIKULSKI. Yes. So what did you mean by that? And what would you recommend, for our information, but also to the leadership, that really needs to be measured?

Mr. DEBERNARDO. Well, in terms of reliability, things like on-time service and frequency of buses and breakdowns of buses and trains. At present, with our Riders' Advisory Council, we are based a lot on anecdotal evidence, and I think that these Vital Signs, by measuring, by having a measurement, will give us better ways of discussing improvements.

Senator MIKULSKI. So rather than somebody saying, oh, I feel hot or I feel dizzy.

Mr. DEBERNARDO. Right.

Senator MIKULSKI. I have pains in my arm, you take the blood pressure and so on, and you actually get vital signs about, are you okay? Are you heading for a problem?

Mr. DEBERNARDO. Right. And is it a real problem? How extensive is the problem? Is it a problem that by looking at the Vital Signs, we can often look at the causes of the problem as well.

Senator MIKULSKI. Well, we get this anecdotal information too. I will speak for myself, and I know that Senator Cardin gets it too. We have talked about it. We hear about out-of-service escalators and elevators. That is a top favorite, as well as closed entrances and exits and train delays. Also, no communication about what is going on when trains break down.

Lots of loud announcements that you really can't hear. In other words, it is so loud that you can't hear it. You can't decipher it. I am not talking about aging people or someone, just regular folks. Then they also say, "I don't know. I don't have a number to call. So I called you." Sometimes they call me a lot of things.

Not only me, but we could talk about Congresswoman Norton, my colleagues Webb and Warner, and the House Members. Riders call us because we are visible, and we have publicly disclosed numbers.

So do you feel that riders have a number to call if they have a problem or an e-mail address that they can send concerns?

Mr. DEBERNARDO. Yes. I think there are many avenues at Metro for—I don't think all the time that the riders themselves are aware of the many avenues, but I can tell you that since I joined the Riders' Advisory Council about a year and a half ago, I was made aware of many more opportunities for addressing problems than I knew existed.

Senator MIKULSKI. What about you, Mr. Corbett?

Mr. CORBETT. Can I be a negative voice on that?

Senator MIKULSKI. Sure.

Mr. CORBETT. When people don't call you, they call us. And quite often, we get very irritable people who have tried to send in a complaint to the WMATA complaint system, and it is very bureaucratic. They give you a number, and I am not sure that the service really improves. I think they need more manpower on that issue.

Second, we divide between really important and nice to have. Whether there is too much noise in the system—that is nice to have. But if the escalator is broken and a heavyset person has got to walk up 123 steps, that is a safety item. So we try to divide those between nice to have and really important.

And I think, frankly, in this coming year under Mr. Sarles's leadership and that of Mr. Benjamin, if they can work on the got to have safety items, we would be happy with that, and we will give them extra time on the nice to have items.

Senator MIKULSKI. Well, it is the way I work, even when we do appropriations. I have a must do, should do, and would like to do list. The must dos have to get done. Then we go to the should dos.

So what you are saying is have the must dos and should dos and that would go a long way?

Mr. CORBETT. Yes.

Senator MIKULSKI. Is that correct?

Mr. CORBETT. That is correct.

WMATA BOARD APPOINTMENTS

Senator MIKULSKI. But one of your points, though, is the GSA has got to get cracking on these two other Federal board appointments?

Mr. CORBETT. Yes, speaking very frankly—and you invited us to speak frankly—the members of the board from the jurisdictions, they are somewhat protective of their jurisdictions. If they don't have money, they don't recommend things that they know are needed. Having the two Federal appointees already is opening up that process a little bit, but we think that the other two appointees should be appointed soon. One of them should be a designated rider representative.

And we think they can help to open up the board so that some pressure can be put on the jurisdictions to come up with additional money for additional capacity.

Senator MIKULSKI. Well, let me say what I am going to do in this testimony here, because Ms. Jeter also had recommendations for the board, we are going to take your recommendations and send them on to GSA. Because you have made recommendations, and you also have your underpinnings as to why you feel that the characteristics you are recommending would improve safety and operational reliability.

We are going to say this is who we heard from. The people who use the system, the people who work on the system, and the people who are going to count on a board that—particularly when its Federal partners—brings some assets to the table themselves. So we would like to bring your recommendations to GSA and to tell GSA kind of get moving on it. Isn't that what you are saying? Get moving on it?

Mr. CORBETT. Yes. Yes.

WHISTLEBLOWER PROTECTION

Senator MIKULSKI. Let us go to Ms. Jeter. The one thing that came out in both the Gunn report and also in your testimony is the whistleblower situation.

Ms. JETER. Yes.

Senator MIKULSKI. Also the “kill the messenger” problem, where it is difficult at times to speak freely because you are concerned about some form of retaliation.

Ms. JETER. Right.

Senator MIKULSKI. Do you feel that the climate toward whistleblowers has improved?

Ms. JETER. It hasn't improved because the employees who would utilize that type of system don't know that it even exists. I don't believe that there is a climate at WMATA to embrace that type of activity among the employees.

I can tell you, even the incident that has been given so much public attention—the incident at Wheaton—when I spoke to the operator of the train, his first, initial response to me was “I didn't want to put it on the air. So I used the ETS box because I didn't want them to feel like I was trying to make a big deal.” And that, to me, is the climate that is surrounding the members of the local that I represent.

Some people might shrug it off and say it is normal paranoia that a lot of American citizens have these days. But for the most part, you probably will not find that many individuals reporting certain incidents because they don't believe—either they don't believe that WMATA is going to take care of them, or that in some type of way, they are going to be retaliated against for giving the information.

And I give you another example, the IG had a setting where she went in to talk to employees, and one of the people that was there was one of the shop stewards that I have, and the shop steward informed me that during that meeting, people did not want to speak up freely, even though the IG said, "Nothing is going to happen to you. I want you to speak up freely to me." She said most of them did not.

A lot of conversation happened after the meeting, but not during the meeting.

Senator MIKULSKI. Well, we will take a look at how to strengthen the whistleblower legal provisions. But I would strongly recommend in the interim, people who have those concerns bring it to those that they elected to represent them in the workplace. Since we are now going to have a labor-management organized and systematic way of communicating. You can then, if necessary, preserve their anonymity, or whatever.

I am a big believer in people being able to come forward, and lots of times, the ability to come forward could save a life or help someone from being hurt or maimed. We need to be able to have that communication.

The fact we have got so many things going for us, I mean, we have a system that really people like and use. I mean, that is one of the things, when I read the papers and follow the news on the public hearings, people really like WMATA, and they really want to use it, and they are willing to pay for it out of their own pocket.

There are days that they function in heroic fashion that I believe it was Mr. Benjamin that spoke about and I have spoken about 9/11. That the subway system helped Washington evacuate in a safe, orderly and non-panicked way. The performance during the Obama administration and then even during the rocking-rolling times of the recent snow situation, which bordered on almost a natural disaster. I mean, it was a slow version of a hurricane.

So we have got a lot going for the system, and I think we can feel proud of the people who work there. Efforts have been made. I think there are certain things that have been falling. So we want to build on the asset. The most important asset that WMATA has that we can directly impact upon is the workers and getting them the ability to communicate and come forward and be able to do that.

FEDERAL FUNDING AND OVERSIGHT

The other is, I will really say, that WMATA does need reliable revenue streams. You could have the will, but if you don't have the wallet, it is very difficult to fix these things.

I think we have identified a couple of things today. One, we continue to support the Federal share. In supporting the Federal share, we really do want to insist on maintenance of effort from the

States and locals. I think we also have identified an area where the Federal Government has created a mandate, and it is an appropriate mandate. It is a very important tool to ensure people's physical and economic independence. If you can't get to work, even if you have had the best rehab, or keep your doctor's appointment, but there needs to be a way then to consider how at the national level to be able to do that.

I also believe that we need to pass not only the President's budget, but I think we need to pass what the President is recommending in rail reform, giving FTA more authority. I have got my own bill, along with Senator Cardin and others, to do that.

So I think we have got our own reform efforts. I will say what I said. We all have to feel we are in this together. So this isn't about finger pointing and so on, rather that we all have to take ownership for the safety offices.

WITNESS RECOMMENDATIONS

So before I wrap up, I am going to ask each and every one of you, is there anything else you want to say: a recommendation; an observation; or an insight that you would like to share for the official record. This is an official congressional hearing. There is going to be an official congressional record of this. We can go down the row.

Ms. JETER. Well, I know that I put everything, even the things that I did not read, in my testimony, and I can say on behalf of the members of Local 689, we support those acts or those bills that you are trying to pass. And so, we will do whatever we can to make sure that that happens.

Senator MIKULSKI. Thank you.

Mr. CORBETT. Senator, we very much appreciate this hearing and you listening to riders' views. The one other item I would like to suggest for the Congress is to consider extending what is called the "transit commute." In the economic stimulus bill, the employer discount that is for \$230 a month is going to automatically reduce to \$115 at the end of this calendar year unless some vehicle of the Senate Finance Committee doesn't fix that item up.

And to keep people out of their cars and benefiting from the parking subsidy, we think having the transit have equal weight would be very helpful, and this Congress could do that this year.

Senator MIKULSKI. Thank you.

Mr. CORBETT. Thank you.

Senator MIKULSKI. Very good idea.

Mr. DEBERNARDO. And finally, I would just like to say that we know of your concern, and we appreciate it. And we are glad that we are working together to improve Metro.

Senator MIKULSKI. Well, as citizen activists and civic engagement, I know that, for example, Ms. Jeter is the official union representative and does a very good job at it, but she does a lot like you, both of you on your own time and on your own dime. But you know, I think this is what is different from our country. I mean, we have got to be able to get together, put it out on the table, speak uncensored and unfettered, and let us solve some of these problems.

We really thank you for your insights. This concludes our hearing, and I wish to state for my colleagues and for the record, we will leave the record open for additional questions.

I know Senator Murray has an extensive set of questions. Senator Bond, who is the ranking member, also tied up on the financial security, could have extensive questions as well, those will be really for the WMATA leadership. With that, the hearing is recessed.

SUBCOMMITTEE RECESS

This subcommittee will hold its next hearing on May 20. It will turn its attention to its housing portfolio, when Senator Murray will hold a hearing on the progress being made to end the homelessness among veterans because this does have the homeless portfolio. To think that you have housing when you fight over there, but you don't have it when you come back here is a national disgrace. So she will be holding a hearing on that.

We thank you for your participation and the subcommittee is recessed.

[Whereupon, at 5:49 p.m., Wednesday, May 19, the subcommittee was recessed, to reconvene at 10 a.m. Thursday, May 20.]