



NATIONAL TRANSPORTATION SAFETY BOARD
Investigative Hearing

Washington Metropolitan Area Transit Authority Metrorail train 302 that encountered heavy smoke in the tunnel between the L'Enfant Plaza Station and the Potomac River Bridge on January 12, 2015

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EXHIBIT	
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Agency / Organization

Tri-State Oversight Committee

Title

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TRI-STATE OVERSIGHT COMMITTEE



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Tri-state Oversight Committee - State Safety Oversight



The Tri-state Oversight Committee (TOC) is the State Safety Oversight (SSO) agency for the Washington Metropolitan Area Transit Authority (WMATA) Metrorail system.

Under Federal Transit Administration (FTA, an agency within the USDOT) [regulation 49 CFR Part 659 \[PDF\]](#), which went into effect in 1997, all states with a defined rail transit system that is not under the jurisdiction of the Federal Railroad Administration (FRA) must develop and

maintain a SSO agency. In general, almost all heavy rail rapid transit system such as WMATA, the New York City Subway system and other large city subway and light rail systems are outside of the jurisdiction of the FRA and as such come under the jurisdiction of the SSO, if they are funded by the FTA. Note that the TOC's oversight jurisdiction only extends to the Metrorail system, and does not include the WMATA Metrobus, WMATA MetroAccess, or any other transit bus, or paratransit system in the Washington region.

Under the regulation, each state is responsible for designating an agency to carry out the SSO requirements. The states have latitude to determine which entity can conduct the oversight, as long as it is not the transit agency itself. At a minimum, the regulation requires that the SSO agencies do the following: develop a [program standard \[PDF\]](#) for the transit system's safety and security plans; approve these plans; investigate accidents and hazardous conditions which meet certain criteria prescribed in 49 CFR Part 659; require the transit system to develop corrective action plans to address safety deficiencies; approve the corrective action plans; and conduct independent reviews of the implementation of the safety and security plans on at least a triennial basis. The SSO agencies can also conduct other activities as they deem appropriate based upon state specific requirements. If the FTA determines that a state is in non-compliance with the SSO requirements, it can withhold up to five percent of the grant funds to that state transportation/rail system.

Unlike the FRA or FAA, however, SSOs have no authority under 49 CFR part 659 or by any other FTA regulations to enforce their findings with fines, civil actions or other penalties. Any such authority must come from state legislatures. The FTA intended the SSO program to function as a "cooperative" effort with the transit agencies and as such it was not designed to operate under the traditional regulatory framework of fines and penalties.

In Washington DC, the TOC's SSO program is a joint effort of the DC Department of Transportation, the Maryland Department of Transportation and the Virginia Department of Rail & Public Transportation. This arrangement was based upon the fact that WMATA's rail system operates in the three jurisdictions and it would be inefficient to have three distinct SSO agencies. Each agency designates two members as well as alternate members if needed, and the Chair of the TOC rotates every two years between jurisdictions. Maryland currently holds the Chair, with DC holding the Vice Chair. The TOC was organized in 1997 and its membership has included fire chiefs, emergency managers, transportation planners and transit specialists. In addition, the TOC retains specialized technical skills from an experienced on-call consultant.



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