



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

GROUP	
EXHIBIT	

Agency / Organization

Title

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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WMATA INCIDENT AT L'ENFANT PLAZA *

STATION, WASHINGTON, D.C. *

JANUARY 12, 2015 *

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Docket No.: DCA-15-FR-004

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Telephonic Interview of: AUBREY LAYNE

Thursday,
April 30, 2015

The above-captioned matter convened, pursuant to notice.

BEFORE: GEORGETTA GREGORY
Chief, Railroad Division

APPEARANCES:

GEORGETTA GREGORY, Chief, Railroad Division
Office of Railroad, Pipeline and Hazardous
Materials Investigations
National Transportation Safety Board

MARK JONES, Deputy Chief, Railroad Division
Office of Railroad, Pipeline and Hazardous
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National Transportation Safety Board

CARL SCHULTHEISZ, Chief, Vehicle Performance Division
Office of Research and Engineering
National Transportation Safety Board

NICHOLAS DONOHUE, Deputy Secretary of Transportation
Commonwealth of Virginia

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I N T E R V I E W

1
2 MS. GREGORY: Good morning. It's April 30, 2015, and my
3 name is Georgetta Gregory, G-r-e-g-o-r-y. I am the NTSB Chief of
4 the Railroad Division.

5 We are interviewing on a conference line this morning,
6 Mr. Aubrey Lane, L-a-y-n-e, Secretary of Transportation,
7 Commonwealth of Virginia, and TOC Executive Committee member.
8 This is in regard to the January 12, 2015, arcing and smoke
9 incident at the WMATA L'Enfant Plaza Station that the NTSB is
10 investigating.

11 I'd like to thank you for agreeing to participate in
12 this interview. The interview will be recorded and transcribed.
13 You will have an opportunity to review the transcript and offer
14 errata as desired.

15 The NTSB plans to hold an investigative hearing on June
16 23rd and 24th, 2015. As you may know, the NTSB determines the
17 probable cause of certain railroad accidents and makes
18 recommendations to improve transportation safety, with the
19 ultimate goal of preventing future accidents.

20 During an investigative hearing, the NTSB does not
21 determine legal liability or apportion fault for accidents.
22 Rather, the NTSB holds public investigative hearings to assist the
23 NTSB in reporting the facts and conditions of the accident. The
24 fact gathering is then used to assist the NTSB in ultimately
25 determining the probable cause of the accident and to make

1 appropriate recommendations to improve safety and prevent future
2 accidents.

3 One of the areas of the investigative hearing will
4 explore if safety oversight of rail transit as mandated by Title
5 49 Code of Federal Regulations Part 659, Rail Fixed Guideway
6 Systems; State Safety Oversight, and the Moving Ahead for Progress
7 in the 21st Century Act, known as MAP-21, signed into law July 6,
8 2012.

9 Now, I'm going to ask my colleagues in the room to
10 identify themselves and spell their last name. I'll start to my
11 right.

12 MR. JONES: Good morning. Mark Jones. I'm the Deputy
13 Chief of the Railroad Division of the NTSB. Last name is spelled
14 J-o-n-e-s.

15 MR. SCHULTHEISZ: And my name is Carl Schultheisz,
16 spelled S-c-h-u-l-t-h-e-i-s-z, and I'm the Chief of the Vehicle
17 Performance Division in the Office of Research and Engineering at
18 the NTSB.

19 MS. GREGORY: Okay. Now, Mr. Layne, we'll get started
20 with the questions for you. Would you please state your name and
21 title for the record and spell your last name?

22 MR. LAYNE: It's Aubrey Layne, L-a-y-n-e, and I'm the
23 Commonwealth of Virginia Secretary of Transportation.

24 MS. GREGORY: And you've requested that a member of your
25 staff join you in this interview.

1 Mr. Donohue, could you identify yourself and spell your
2 last name, please?

3 MR. DONOHUE: Yes. My name is Nicholas Donohue, D-o-n-
4 o-h-u-e, and I'm the Deputy Secretary of Transportation for the
5 Commonwealth of Virginia.

6 MS. GREGORY: Thank you.

7 INTERVIEW OF AUBREY LAYNE

8 BY MS. GREGORY:

9 Q. Mr. Layne, what is your role in the Virginia DOT and how
10 much of your time do you spend on TOC activities?

11 A. My role in the Virginia Department of Transportation as
12 Secretary of Transportation is overseeing seven agencies, of which
13 one is the Department of Rail and Public Transit, which primarily
14 works with WMATA and the TOC. And so, I have overview of that and
15 I would spend, depending on what the issues are, you know,
16 somewhere -- 20 percent of my time dealing with the Department of
17 Rail and Public Transit. But certainly, that includes both the
18 highway department, and I also have the Port of Virginia, the
19 Division of Motor Vehicles, our aviation and also our space
20 facility. We're one of a few states that have a space facility
21 out at Wallops Island.

22 MR. DONOHUE: Hey, Georgetta, this is Nick. We are set
23 up in Virginia organizationally very similar to U.S. DOT, where
24 there is a secretary's office which serves as the key policy
25 clearinghouse, and we then have a set of modal administrators

1 similar again to DOT underneath us, as the Secretary said. So
2 kind of organizationally, we have a structure that's more akin to
3 U.S. DOT, than, say, like the Kentucky secretary, where the
4 secretary actually kind of serves as a commissioner of the DOT in
5 addition to being secretary.

6 MS. GREGORY: Okay. Mr. Donohue, thank you for that
7 additional information.

8 BY MR. GREGORY:

9 Q. Mr. Layne, how long have you been a member of the TOC
10 executive committee?

11 A. I would have been there since coming in the -- with
12 Governor McAuliffe in January of 2014.

13 Q. Can you explain how the TOC is organized for us?

14 A. Yes, and most of my authority in that I have delegated
15 to Jennifer Mitchell, our Director of Rail and Public Transit.
16 But it's organized with the three localities or states: Maryland,
17 Virginia and, of course, the District of Columbia, who all each
18 supply personnel to serve on the TOC to report to the oversight
19 committee.

20 Q. You say the oversight committee; would that be the
21 Executive Committee?

22 A. Yes, ma'am.

23 Q. Okay. So could you tell us how many of the TOC staff
24 also work for the Virginia DOT, how many people you have assigned
25 to the TOC?

1 A. I cannot tell you the specific number. There's several.
2 I just don't know the specific number.

3 Q. Okay. Thank you.

4 MR. DONOHUE: Hey, Georgetta, this is Nick again. The
5 staff that have been assigned by Virginia to assist with the
6 Tri-state Oversight Committee are not staff in the Virginia
7 Department of Transportation. They're staff in the Virginia
8 Department of Rail and Public Transportation. As I said, we're
9 set up similar to U.S. DOT, so our rail and transit modal agency
10 is the one that provides staff and oversight on those functions,
11 not the highway transportation department.

12 MS. GREGORY: Okay. That's quite logical. Thank you.

13 BY MS. GREGORY:

14 Q. What authority has been granted to the TOC by the
15 Commonwealth of Virginia?

16 A. I don't know the legal authority. I do know that it
17 operates -- is charged with the overview, independent overview of
18 safety for the operation of the Metro system with WMATA. I cannot
19 tell you what legal authority, but that is what the TOC has been
20 charged with.

21 Q. Okay. Well, I guess, my next question kind of hinges on
22 that one. Do you think the TOC has adequate authority to carry
23 out its mission?

24 A. I think the TOC could be -- if it had more resources,
25 which we are now working with federal agencies on standing that up

1 more. So as far as authority, I'm not sure if there's any more to
2 be delegated, but certainly there could be more resources
3 attributed to and made available to the TOC.

4 MR. DONOHUE: And, Georgetta, this is Nick. Just to
5 chime in, I think if you speak with Director Mitchell, she can
6 provide you and go into detail some of the work we've been doing
7 with D.C. and Maryland to really stand up staff and a kind of
8 temporary organization within Wash COG to receive the federal
9 funding that has been provided through MAP-21 for some of the
10 safety oversight, to kind of be able to enhance the staffing, as
11 the Secretary said, for that role.

12 MR. GREGORY: Okay. Thank you, Mr. Donohue, for that.

13 BY MS. GREGORY:

14 Q. On that note, has the TOC been certified by the FTA to
15 carry out MAP-21 so that you will be eligible for that grant
16 funding you spoke of?

17 MR. DONOHUE: Georgetta, this is Nick. I believe we are
18 working towards that certification with this kind of revised
19 structure that where staff, I believe, would be housed within kind
20 of the Wash COG TPB organization there to get to that. So I don't
21 believe we are there, but I believe we are close to being there.

22 MR. LAYNE: Right. I don't think the actual
23 certification has been received.

24 MS. GREGORY: Okay. Mr. Donohue, you used an acronym
25 there that I didn't catch. Could you give us that acronym and

1 what it stands for?

2 MR. DONOHUE: Wash COG or TPB or both?

3 MS. GREGORY: Both.

4 MR. DONOHUE: Wash COG stands for the Metropolitan
5 Washington Council of Governments.

6 MS. GREGORY: Okay. And the --

7 MR. DONOHUE: And TPB is the Transportation Policy -- or
8 Planning Board -- excuse me -- on Wash COG, which has been
9 recognized under Title 23 and Title 49 as the federally designated
10 metropolitan planning organization for the Washington Metro area,
11 urbanized area.

12 MS. GREGORY: Thank you very much.

13 Okay, back to Mr. Layne.

14 BY MS. GREGORY:

15 Q. Do you have any opportunities to review the safety and
16 security issues regarding WMATA or would that be delegated to
17 Director Mitchell?

18 A. It primarily is to Director Mitchell, but I do receive
19 reports.

20 Q. So in reviewing those reports, have you noticed any
21 issues that maybe need more attention and, if so, how would you
22 characterize those?

23 A. The specific reports, I have not noticed needing more
24 attention. The timeliness or the amount of reporting, I believe,
25 could be enhanced. And that's part of what we're working with for

1 this certification with our sister localities, which includes
2 additional funding to get that in place.

3 Q. Have you ever had an opportunity to attend one of the
4 WMATA board of directors safety committee meetings?

5 A. I have not. I've had a board of director but not a
6 safety committee meeting. I have attended TOC meetings, but not a
7 safety committee meeting of the WMATA board of directors.

8 Q. And then I'm going to go back to the Executive Committee
9 here. Can you explain how the TOC Executive Committee makes
10 policy decisions?

11 A. Basically with recommendations -- the way in Virginia,
12 it comes from recommendations coming from our Director of Rail and
13 Public Transit, and then I work in communication with the Maryland
14 Secretary of Transportation, the Washington Director of
15 Transportation, and we decide upon a policy that would be
16 implemented.

17 Q. Could you give us an example of a recent policy
18 decision?

19 A. The most recent has been on discussions regarding
20 funding to get the certification.

21 Q. And, Mr. Layne, during your tenure, has the TOC chair
22 elevated issues to the Executive Committee and, if so, how would
23 you characterize those, and explain any outcome?

24 A. They've been elevated most by just having the meetings
25 and through written reports. And then the outcomes would be any

1 action that the oversight committee would give back to the members
2 of the TOC to action.

3 Q. Could you give us an example of an action that would be
4 handed back to the TOC?

5 A. Yes. Again, primarily since I've been here, it has been
6 about the certification and what is needed to get a standalone
7 oversight committee in place. That's been most of my involvement.
8 There has not been specific issues relating to safety other than
9 reports on how they're looking at things working with WMATA. Most
10 of my time has been on the policy of getting the TOC set up and
11 funded on its own stead.

12 Q. Okay, so just to kind of rephrase. So during your
13 tenure, the TOC hasn't brought any issues that they've had
14 difficulty reconciling with WMATA to the Executive Committee for
15 help on?

16 A. Yeah, that would be Director -- I would suggest Jennifer
17 Mitchell could be more specific in that regard because I delegate
18 those responsibilities to her.

19 Q. Okay. Thank you.

20 A. I'm not personally aware of any, but that doesn't mean
21 that she hasn't had to deal with some.

22 Q. How often does the Executive Committee meet?

23 A. I have met three times since my tenure, and that's
24 pretty much on call.

25 Q. So there's no schedule of meetings? It's just as

1 needed?

2 A. Either as needed or as schedules work out. Yes, ma'am,
3 there is no published schedule.

4 Now, I know there is a -- that's Executive. The TOC
5 obviously meets much more often than that and Director Mitchell
6 can answer those questions.

7 Q. Okay. Do you know how the TOC employees are chosen or
8 is that delegated to Director Mitchell as well?

9 A. It is delegated, at least in Virginia, to Director
10 Mitchell, and I suspect she would have a criteria for their
11 experience and their availability to work on it. As you know,
12 sometimes TOC employees are rotated depending on assignment.

13 Q. Do you know if the TOC employees are employed -- if
14 they're all employed by a state agency or other entity, or are
15 they all Virginia Department of Rail and Public Transportation
16 employees, in your --

17 A. Yes. Our participants are Department of Rail and Public
18 Transportation employees.

19 Q. Has the Executive Committee been involved in -- and this
20 is related to the MAP-21 issue as well -- involved in developing
21 the required training for members of the TOC that will do the
22 actual safety oversight?

23 A. I have not. That would have been delegated to
24 Director Mitchell.

25 Q. Do you know if the TOC engages contractors or

1 consultants to assist with the safety oversight responsibilities?

2 A. They do. And we heard a report at the last one, there
3 are outside consultants involved.

4 Q. Can you describe the functions that the consultants do
5 on behalf of the TOC?

6 A. Again, most of the ones that I have dealt with have been
7 in regard to standing up the TOC on an independent basis, but I do
8 know that they are sometime engaged for particular items in
9 working with WMATA.

10 Q. Are there -- do you know if any positions on the TOC
11 itself are filled with contract employees?

12 A. Not to my knowledge, but Direct Mitchell could answer
13 that. Not to my knowledge in Virginia.

14 Q. Understanding that WMATA is an agency consisting of more
15 than 1100 vehicles, thousands of buses, paratransit, and more than
16 10,000 employees, do you feel the TOC staffing levels are
17 sufficient to ensure effective oversight?

18 A. I do believe they need to be scaled up.

19 Q. And you mentioned that with MAP-21 you're working
20 towards that.

21 A. Yes, ma'am.

22 Q. Are you aware of the TOC leading its own independent
23 investigation of any safety issue at WMATA?

24 A. I am not aware, but Jennifer Mitchell may be aware. I'm
25 not aware of any independent review.

1 Q. And kind of on that line, are you notified of accidents,
2 incidents or events that occur on the WMATA system?

3 A. I am. Primarily they come through our Department of
4 Rail and Public Transit.

5 Q. Are you familiar with the number of fire and smoke
6 events that occurred on the WMATA system?

7 A. I can't say a number. I'm familiar with the most recent
8 one, the last two.

9 Q. Based on your experience in transportation -- in
10 calendar year 2014, WMATA did document 69 reported fires and 35
11 reported smoke events. So based on your experience, how would you
12 characterize that risk?

13 A. I don't know how to answer the question. But I would
14 defer that to Jennifer Mitchell. I am not familiar specifically.
15 You know, it seems like a lot, but I'm not in a position to
16 qualify if the risk is great or medium or low.

17 Q. Okay. That's fine. Thank you.

18 A. Yes.

19 Q. In your opinion, what are the top priorities in
20 conducting their safety oversight? And what I'm looking for, you
21 know, how much of the time do they spend on new projects, such as
22 the Silver Line --

23 A. Right.

24 Q. -- or the new rail transit vehicles, in comparison to
25 state of good repair and everyday operations?

1 A. That really gets to the heart, that there's not enough
2 staffing there to get to all that. So, again, back at the -- not
3 to sound like a broken record, but in working with my counterparts
4 to know that we need to fund this. Virginia is very much -- wants
5 to make sure we fund the safety oversight appropriately. That
6 requires negotiations and approval by our partners in Maryland and
7 D.C., and that's what we're working on.

8 So I would suspect, in overall, there is not enough
9 people on the TOC to adequately look at all those different
10 functions. And they work pretty much on what is the top of the
11 heap, in terms of the -- you know, what's going on. So, and
12 again, it gets back to staffing and resources.

13 Q. When you speak of the top of the heap, do you know if
14 they use any kind of formalized risk management methods to
15 determine where their efforts would be most effective and most
16 needed?

17 A. I do not. Again, Director Mitchell could --

18 Q. Okay. Is the Executive Committee involved in the
19 required triennial review of WMATA?

20 A. Involved to the extent that we are -- I get a report
21 from the Department of Rail and Public Transit.

22 Q. Okay. Does the Executive Committee have any input on
23 the findings and recommendations and perhaps the corrective
24 actions that are developed from those reviews?

25 A. Yes. We are given opportunity to comment on the report

1 and make suggested changes.

2 Q. And then does the TOC provide you with a follow-up on
3 any corrective actions that are developed from those reviews?

4 A. Yes, they -- we do have a meeting and they report back
5 on actions taken.

6 Q. How often do you meet with the TOC members, with the TOC
7 staff?

8 A. Again, it's periodic and -- I get reports more often
9 from Jennifer Mitchell, Director of Rail and Public Transit, but I
10 think we've -- I've only met three times at the executive level
11 since becoming Secretary of Transportation.

12 Q. Okay. Does the Executive Committee do any kind of trend
13 analysis of the WMATA events, accidents, incidents and so on? Or
14 is that done with the Department of Rail and Public Transportation
15 as well?

16 A. My data comes through the Department of Rail and Public
17 Transportation. I'm not aware of anything coming from the TOC.

18 Q. And then does the Executive Committee host any type of
19 public meetings in regard to the TOC?

20 A. I don't -- I have not been involved with a public
21 meeting involved with the TOC.

22 Q. Does the Executive Committee interact in any way with
23 WMATA?

24 A. Yes. But my -- again, my most interaction is directly
25 with their general manager or through the Director of Rail and

1 Public Transit.

2 Q. And lastly, Mr. Layne -- well, not last. I have a
3 couple -- just a couple more questions here.

4 A. Okay. No problem.

5 Q. Do you consider the relationship between the TOC and
6 WMATA as a collaborative one or an adversarial one?

7 A. I think at times it's both, quite frankly. I do believe
8 there needs to be a more aggressive investigation by the TOC, and
9 that -- so I think at at times it can be -- are collaborative and
10 times they're adversarial.

11 Q. And then the TOC website indicates that it relies on
12 legislation from Maryland, Virginia, and the D.C. government to
13 impose any type of penalties.

14 A. That's right.

15 Q. Can you describe that process and how that works to us?

16 A. Yes. Again, there are different laws in the three
17 jurisdictions, and so it really comes down to a negotiation of
18 either what the penalty or action taken would be and under which
19 law. And I used the example earlier in building the new Silver
20 Line. When it came to fire code, for instance, there was a large
21 debate for a long time over whether it was going to be Maryland's,
22 Virginia's or the D.C. fire code. And that is an issue when you
23 have three different localities or entities involved, governance
24 is difficult. So it's pretty much a negotiation.

25 Q. But the TOC does have the authority to leverage

1 penalties or fines or some sort of enforcement? Is that --

2 A. It may be -- I think it does have that ability, but in
3 terms of actually assessing them, obviously we would need approval
4 from our attorney general and working through our state code.

5 Q. Okay. Do you know if there's ever been a penalty
6 recommended by the TOC?

7 A. Not to my knowledge.

8 MR. DONOHUE: And, Georgetta, this is Nick. I would
9 just add to your previous question regarding the ability to impose
10 penalties. All three jurisdictions at some level are the funding
11 partners of WMATA. And unlike other regional transit agencies,
12 WMATA does not have a dedicated source of funding that is provided
13 to it annually, and so it is subject to appropriations from each
14 of the jurisdictions on an annual basis for projects. We do enter
15 into multi-year capital funding agreements, but the operating
16 subsidies are provided annually.

17 And so, there's a lot of differences in the way that
18 this agency is funded in regard to others. So, for example, in
19 Denver, the regional transit agency, a lot of its operations and
20 capital program is funded out of a 1 percent sales tax that goes
21 directly to that agency, whereas, that's not really the case with
22 WMATA. Same thing in many other places that have large kind of
23 rail transit systems, there are direct appropriations to that
24 agency, where here everything flows through a jurisdiction first
25 and then to WMATA based on the, you know, policy determinations of

1 a given jurisdiction that year.

2 MR. LAYNE: And complicating that in Virginia, we have
3 three local jurisdictions that are actually responsible, with the
4 state just contributing, so -- and then I don't know if you've
5 been reading the news, the House subcommittee has just announced
6 that there's a recommendation to cut WMATA funding and other
7 sources, so both operating and capital funds. So funding drives
8 most of the decisions around the TOC or WMATA in general.

9 MS. GREGORY: Okay.

10 BY MR. GREGORY:

11 Q. You said you're -- it sounds like you're quite familiar
12 with MAP-21. I know when that was enacted there was a lot of
13 discussion about the new law. Do you think it would be better to
14 interpret MAP-21 as giving the Federal Transit Administration the
15 authority to regulate WMATA directly and perhaps eliminate the
16 TOC? Do you think that would be a better structure?

17 MR. DONOHUE: Georgetta, this is Nick. I'm a little
18 more familiar with some of the provisions in the MAP-21 debate
19 that went on there, and I know that was one of the things that was
20 discussed. And I think we have to have a larger dialogue and
21 that's not a yes or no question because there's a lot of gray
22 areas in between that. I think that one of the things that
23 Virginia, along with D.C. and Maryland, believes is we do need a
24 more independent and better funded oversight entity. Whether that
25 means it's at the federal level or regional I think is something

1 that's open to a discussion. I think it all really depends on how
2 it functions, not necessarily who houses it.

3 MS. GREGORY: Yeah. That's a great answer, Mr. Donohue.

4 MR. LAYNE: Well, Nick -- so you know, Nick served in a
5 previous administration here but also in an entity that did a lot
6 of lobbying and research for the federal law, so that's why he is
7 a valuable deputy secretary on the laws and procedures.

8 But again, and besides that, it really is, because of
9 our governance structure and, you know, administrations change and
10 funding priorities change, this is a very difficult entity to get
11 in place the type of the controls or just oversight that, if it
12 were controlled by one particular group, that would reach --
13 reaching consensus would be a lot easier. Governance is an issue
14 in most decisions at WMATA.

15 BY MS. GREGORY:

16 Q. Okay. And I have one last question and then I'll defer
17 to my colleagues if they have any additional. We did collaborate
18 on the questions, by the way.

19 How is the Executive Committee engaged in the
20 development of the program standard for the safety oversight of
21 WMATA?

22 A. Again, it's pretty much at a high level. The actual
23 details have been -- for me, have been delegated to
24 Director Mitchell. And again, most of my time is encouraging our
25 colleagues that we have to fund this.

1 Q. Okay. And on that same note, has there been any
2 discussion with the committee on considering the changes that are
3 going to be required to your program standard as a result of
4 MAP-21?

5 A. Yes. At least here in Virginia, we understand what's
6 going to be required and, again, I sound like a broken record,
7 it's going to require additional resources dedicated to it.

8 MS. GREGORY: Okay. That is all the questions I have.
9 Mark, do you have any additional follow-up questions?

10 MR. JONES: Just one follow-up.

11 BY MR. JONES:

12 Q. I was just curious about Director Mitchell's role as far
13 as does the director of rail attend and participate in the
14 Executive Committee meetings or does she -- he or she just feeds
15 you the information for the meetings?

16 A. No, no, no, she also attends. Typically I'll take my
17 deputy -- Nick, Deputy Secretary, and Jennifer Mitchell. And then
18 typically the way it works, the other members will have staff with
19 them also because there are technical things that come up and we
20 want to make sure we have the right information. So
21 Director Mitchell has been in attendance with me at the Executive
22 Committee meetings.

23 Q. Okay. And you answered my second question. I was going
24 to ask if you're aware if other staff also from the other
25 jurisdictions attended. So they -- you do have people that attend

1 those meetings that are sort of familiar with the more day-to-day
2 operation, so to speak?

3 A. Absolutely. Yes. We -- absolutely.

4 Q. Okay. Thank you.

5 MS. GREGORY: Ms. Schultheisz, do you have some follow-
6 up questions?

7 BY MR. SCHULTHEISZ:

8 Q. I guess I'm curious. So you mentioned frequently the
9 issue of resources. Does the TOC put in like a budget request?
10 How do they get funded? And I guess maybe I'd ask the same
11 question about WMATA directly. Do they put in a request to the
12 different DOTs and ask for funding?

13 A. I'll start with WMATA because I've been dealing with
14 that quite a bit and it's been in the paper quite a bit. Yes,
15 they come up with a budget. There's a board of directors that is
16 made up of representatives from the various jurisdictions. They
17 come up with a budget. That typically requires, you know,
18 enhanced funding each year. Then it goes back to the
19 jurisdictions to determine if the level of funding is going to be
20 met.

21 There is a current debate going on about how to fund
22 replacement cars between us and Maryland and the District, and we
23 have differences of opinions as to the level of funding. So
24 that's -- it's a difficult situation. The board must go and get
25 the approval of the different jurisdictions to fund their

1 operations.

2 And that is similar with the TOC. Right now the TOC has
3 been sort of stood up by representatives from us, from the
4 Department of Rail and Public Transit, others from D.C. and
5 Maryland, and they're imbedded in our operating budgets here in
6 Virginia. And that's a discussion, we need to have a separate
7 budget set up and funded for independent safety personnel. And
8 that's the process we're going through. But that would require
9 additional funding from the jurisdictions and there is not
10 agreement on that as of yet.

11 Q. Could any of that funding be directly from the federal
12 government?

13 A. We would accept any funding that we could get from the
14 federal government, yes.

15 MR. DONOHUE: And this is Nick. I would add that with
16 regard to the TOC in particular, that's why we've been working
17 cooperatively with the other jurisdictions to create this more
18 enhanced TOC structure that would allow us to draw down the
19 available, you know, state safety -- the oversight funds from the
20 federal government in the safety program to provide that higher
21 level of oversight. So we certainly want to work towards that and
22 leverage those federal resources. There's, as I understand it,
23 several million dollars currently available and kind of designated
24 for the region for that oversight, and we've very much working
25 towards bringing those funds down to be able to, you know, put

1 them to use.

2 MR. SCHULTHEISZ: Okay. That's all I have. Thank you.

3 MS. GREGORY: Mr. Layne, is there anything you would
4 like to add before we conclude the interview?

5 MR. LAYNE: No. I think we've probably painted a fairly
6 good picture of the challenges. I will tell you,
7 Governor McAuliffe and us, and you can see this in everything we
8 say, safety has got to be number 1. This is an economic asset
9 that we need here in Virginia, and we believe the region, to
10 support our economic activity, a way of life. But you don't have
11 anything if you don't have a safe and reliable system. And that's
12 imbedded in the general manager and in everything from the culture
13 of the organization. So that's where I will focus; it starts all
14 with whatever resources that are necessary for a reliable and safe
15 system.

16 MS. GREGORY: Okay. Thank you very much for that.

17 Mr. Donohue, would you like to add anything?

18 MR. DONOHUE: No, ma'am.

19 MS. GREGORY: Okay. Well, this will conclude our
20 interview, and again, thank you very much for your participation
21 in the interview and helping us develop the facts as to the
22 structure and the policy and program of the TOC.

23 (Whereupon, the interview was concluded.)

24

25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: WMATA INCIDENT AT L'ENFANT PLAZA
 STATION, WASHINGTON, D.C.
 JANUARY 12, 2015
 Telephonic Interview of Aubrey Layne

DOCKET NUMBER: DCA-15-FR-004

PLACE:

DATE: April 30, 2015

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.

Kay Maurer
Transcriber