



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: PETER K. RAHN

Washington, D.C.

Tuesday,
May 12, 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

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

BUD FRANK, Director of Homeland Security Emergency
Management
Maryland Department of Transportation

ED McDONALD, Chief of Staff
Maryland Department of Transportation

<u>ITEM</u>	<u>I N D E X</u>	<u>PAGE</u>
Interview of Peter K. Rahn:		
By Ms. Gregory		5
By Dr. Schultheisz		25

I N T E R V I E W

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2 MS. GREGORY: Good morning. It is May 12th, 2015, and
3 my name is Georgetta Gregory, G-r-e-g-o-r-y. We are interviewing
4 Pete Rahn, Secretary of Transportation, State of Maryland, and TOC
5 Executive Committee Member. This is in regard to the January 12,
6 2015 arcing and smoke incident at the WMATA L'Enfant Plaza Station
7 that the NTSB is investigating.

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

12 The NTSB plans to hold an investigative hearing on June
13 23rd and 24th, 2015. As you know, the NTSB determines the
14 probable cause of certain railroad accidents and makes safety
15 recommendations to improve transportation safety with the ultimate
16 goal of preventing future accidents. During an investigative
17 hearing, the NTSB does not determine legal liability or apportion
18 fault for accidents. Rather, the NTSB holds public investigative
19 hearings to assist in reporting the facts and conditions of the
20 accident. The fact gathering is then used to assist in ultimately
21 determining the probable cause of the accident and to make
22 appropriate safety recommendations.

23 One of the areas the investigative hearing will explore
24 is the safety oversight of rail transit as mandated by Title 49
25 Code of Federal Regulations Part 659, Rail Fixed Guideway Systems,

1 State Safety Oversight; and the Moving Ahead for Progress in the
2 21st Century Act, otherwise known as MAP-21.

3 Now, my colleague and I will introduce ourselves for the
4 record. Again, I'm Georgetta Gregory, G-r-e-g-o-r-y, chief of the
5 Railroad Division.

6 DR. SCHULTHEISZ: And my name is Carl Schultheisz, S-c-
7 h-u-l-t-h-e-i-s-z, and I'm the chief of the Vehicle Performance
8 Division in the Office of Research and Engineering.

9 MS. GREGORY: And now, Secretary, I'd like for you to
10 identify yourself and spell your last name.

11 MR. RAHN: Yes. My name is Pete, P-e-t-e, middle
12 initial K, last name Rahn, R-a-h-n. I am the secretary of the
13 Maryland Department of Transportation.

14 MS. GREGORY: And if you could have your colleagues now
15 put their name into the record as well? We'll start with
16 Mr. Frank.

17 MR. FRANK: Yes. Bud Frank, F-r-a-n-k. I'm the
18 director of homeland security emergency management for the
19 Maryland Department of Transportation.

20 MS. GREGORY: And Mr. McDonald?

21 MR. McDONALD: Ed McDonald, M-c-D-o-n-a-l-d. I am chief
22 of staff for Secretary Rahn.

23 INTERVIEW OF PETE K. RAHN

24 BY MS. GREGORY:

25 Q. Secretary Rahn, what is your role in the organization at

1 MDOT?

2 A. I am the chief executive officer of MDOT. I am
3 responsible for the operations of the modal administrators, as
4 well as transportation policy for the organization, which is
5 11,300 employees.

6 Q. Wow. Thank you. And how long have you been in this
7 position?

8 A. I've been the secretary since January 21st, 2015.

9 Q. Okay. Is it a correct assumption that you are a
10 political appointee and your -- that appointment could change as
11 new governors are elected?

12 A. That is correct. I was appointed by Governor Hogan, who
13 took office January 21st, 2015. I serve at the pleasure of the
14 Governor.

15 Q. Okay. And then you're also a member of the TOC
16 Executive Committee. That's the Tri-state Oversight Committee.
17 Is that correct?

18 A. That is correct.

19 Q. And how long have you been a member of that committee,
20 Secretary Rahn?

21 A. That would've become a responsibility when I became
22 secretary on January 21st.

23 Q. Okay. Now, let's just talk about the TOC a little bit,
24 and what I'd like to know is how it's organized and which of the
25 staff that also help with the oversight also work for MDOT.

1 A. The TOC is organized with each of the three
2 jurisdictions having an executive member. So I represent on the
3 TOC Maryland, and then the director of transportation for the
4 District, and the secretary of transportation in Virginia. Those
5 three individuals make up the membership of the TOC, and our
6 responsibilities are to provide policy direction for the oversight
7 of WMATA.

8 Q. Okay, thank you. What authority has been granted to the
9 TOC by Maryland, the State of Maryland?

10 A. And I'm going to need to ask Mr. Frank to respond to
11 that.

12 MR. FRANK: Yes. This is Bud Frank speaking. The
13 secretary has authorized our rail safety personnel to act as state
14 safety oversight on behalf of Maryland of WMATA, the same that
15 occurs in Virginia and D.C., and that is through a compact that
16 was signed that authorizes the creation of the Tri-state Oversight
17 to act on behalf of each of the jurisdictions to provide state
18 safety oversight as required under federal guidelines.

19 The TOC is comprised of -- as the secretary stated, you
20 have the executive group, the two secretaries and the D.C.
21 director of transportation. There is then a policy group which is
22 appointed by the secretary. In Maryland, the policy group members
23 are myself and Andy Dentamaro, and then the TOC member that is
24 boots on the ground is Joseph Tebo. Through the agreement, we're
25 required to have one full-time and a half part-time person, so

1 through Mr. Dentamaro and myself, we handle that. And we also
2 have -- assistance can be provided from our other members of the
3 rail safety oversight for the Maryland portion of that program.
4 In times of need, we would provide them to assist Mr. Tebo with
5 his duties, if necessary.

6 MS. GREGORY: Thank you, Mr. Frank.

7 BY MS. GREGORY:

8 Q. Secretary Rahn, do you think that the TOC has adequate
9 authority to carry out its mission?

10 A. Ms. Gregory, I have to tell you, I am now almost 4
11 months into my job and I don't believe I have adequate experience
12 with TOC to be able to make that assessment.

13 Q. Okay. Thank you for that. Do you have opportunities to
14 review safety and security issues regarding WMATA?

15 A. To an extent, yes.

16 Q. Maybe you can elaborate a little bit. You know, how
17 would you characterize those issues and how do they bring those to
18 you?

19 A. Again, I have to rely on staff to be able to answer that
20 question. I'm quite certain if we had this conversation in a year
21 from now, I'd be able to answer these directly, but at this point
22 I'm going to have to rely on staff, so I'm going to ask Mr. Frank
23 to answer that question.

24 Q. Certainly. And I do understand, Secretary Rahn.

25 MR. FRANK: Yes. In response to your question,

1 Ms. Gregory -- this is Bud Frank speaking -- the secretary and
2 other senior members of the MDOT staff are briefed verbally and
3 occasionally in writing. In regards to this recent incident that
4 we're looking at, there has been some briefing papers that were
5 sent forward, and any follow-on questions that Secretary Rahn or
6 other senior staff had as a result of that, you know, there was an
7 opportunity to have that dialogue.

8 Quite candidly, there has not been a whole lot of
9 information provided regarding the investigation because, as you
10 are well aware, the confidentiality agreement that Mr. Tebo signed
11 really restricts what he can discuss with us and, quite candidly,
12 the bulk of the information is what has been read in the media
13 and, at times, the questions coming down to us are, is the report
14 in the media accurate/inaccurate or something close? So that's
15 sort of the information in this particular situation that's been
16 provided to Secretary Rahn and senior staff.

17 In regards to the authority, I think you're probably
18 aware that, you know, MAP-21 was designed to provide real
19 authority to the state safety oversight across the nation and it
20 is a work in progress, but at this point in time, we're moving
21 forward, as we have been for a number of years, to try to work
22 along with WMATA to improve or continue the safe operation of
23 their system.

24 MS. GREGORY: Thank you, Mr. Frank.

25 BY MS. GREGORY:

1 Q. Secretary, have you had an opportunity to attend one of
2 the WMATA board of director safety committee meetings?

3 A. I have not.

4 Q. Okay. And I understand, you know, that your primary job
5 is policy. So could you tell me how policy decisions for the TOC
6 are made?

7 MR. FRANK: Yes. This is Bud Frank speaking again.
8 When a policy issue is identified by the policy group of TOC, we
9 take that information back to our executives and make a
10 determination which route that, in this case, Maryland would want
11 to go, and that same premise would be happening with Virginia and
12 D.C. So as the policy group identifies issues that we feel need
13 to be -- a decision made on it, we would brief the secretary, and
14 then the secretary, if need be, could discuss with the other
15 executives or make a determination on his own what they would like
16 Maryland to do to move forward, and then whatever policy decisions
17 occurred, would in fact occur. So that's essentially how it would
18 work.

19 You know, the executives meet periodically -- and this
20 is a historical perspective. They meet periodically throughout
21 the year, occasionally have conference calls, and through that,
22 then decisions are made as to any policy improvements, changes, or
23 discontinuation.

24 MS. GREGORY: Thank you. Perhaps you could give me an
25 example of a recent policy decision?

1 MR. FRANK: I think the most recent policy decision is
2 -- well, there's two policy decisions, but the most prevalent one
3 would be the development of the comprehensive work plan as
4 required by the MAP-21. That draft copy was developed, it was
5 reviewed by policy, and, of course, that was not under Secretary
6 Rahn's tenure; that was prior to his arrival.

7 MS. GREGORY: Right.

8 MR. FRANK: So that would be the first one that I would
9 bring up. And then the second one would be as to the direction
10 that this group is going to go in attempt to meet the MAP-21
11 requirements, which I think you already know that FTA has
12 determined that the current organization of the TOC through a
13 compact does not meet the federal standards and we need to come up
14 with another vehicle for that to occur.

15 We are looking at specific options on how that is going
16 to occur because the issues that we have is we have three separate
17 jurisdictions that will have to develop three pieces of
18 legislation, and then because WMATA sits within the District of
19 Columbia, it would actually have to be ratified by the U.S.
20 Congress before it would take any legal authority or before it
21 would be -- go into effect. So it's really problematic for us as
22 we move forward with this, and we're the only state safety
23 oversight in the nation that has these issues.

24 MS. GREGORY: Thank you very much.

25 BY MS. GREGORY:

1 Q. Let's see. So following on to that, Secretary Rahn,
2 there -- in your short 4 months, 4½ months, is it a correct
3 assumption that there have been no policy issues elevated to the
4 Executive Committee?

5 A. That is correct.

6 Q. Okay. As a member of the Executive Committee of TOC,
7 could you tell me approximately how much of your time is spent on
8 TOC activities?

9 A. So far, very little. I rely on Mr. Frank for safety
10 oversight. And WMATA itself, beyond TOC, I've dedicated, you
11 know, a fair amount of time to WMATA issues regarding funding, and
12 Maryland's insistence has been that WMATA needs to focus on a
13 state of good repair and that we need safety improvements made as
14 soon as possible and that we address existing safety and condition
15 issues prior to expansion of the system.

16 Q. Excellent.

17 A. So Maryland is taking a position that, you know, fix
18 what we have first before we invest in additional both railcars
19 and service areas. So I believe, just strictly from a policy
20 perspective, in which we have a number of ways for input into
21 WMATA beyond just TOC. We have the Maryland members of the board
22 of directors, and those members have agreed to our position, which
23 is make safety improvements and overall condition of the system
24 the number one priority for WMATA.

25 Q. Thank you very much for that, Secretary Rahn. That's

1 excellent. And let's see, we've already talked a bit about the
2 number of employees that work for the TOC from MDOT, so that would
3 be -- Joe Tebo is the one full-time FTE. And then --

4 A. Correct.

5 Q. -- who else from MDOT serves on TOC?

6 MR. FRANK: This is Bud Frank again. It's myself and
7 Andy Dentamaro; that's D-e-n-t-a-m-a-r-o. We both serve on the
8 policy side, but Joe is the full-time employee that is assigned to
9 the actual investigation or actual review of records and incidents
10 and hazard logs and all those things that the state safety
11 oversight has to do with its counterparts from D.C. and Virginia.

12 MS. GREGORY: And about how much of your time and
13 Mr. Dentamaro's time is spent on TOC issues?

14 MR. FRANK: As of late, it's increased, but I'd say
15 probably 20 to 30 percent of my time of late, and that's, first
16 off, because of the MAP-21 requirements. But, secondly, obviously
17 this investigation, as it's occurring and -- you know, it's been a
18 busy year with the Silver Line coming on and those types of
19 things, as well as just the daily issues that need to be
20 addressed. Those are the kinds of things that have taken up more
21 of my time than normal.

22 Mr. Dentamaro would probably be slightly less. He's in
23 our Office of Policy and Government Affairs and his expertise is
24 more in looking at, as we move forward with MAP-21, how do we
25 create legislation, how do we get the appropriate language and

1 verbiage, and any of the things that we need to do there.

2 MS. GREGORY: Thank you.

3 BY MS. GREGORY:

4 Q. Secretary Rahn, can you tell me how the TOC employees
5 are chosen? The --

6 A. The employees that we have committed to TOC were in
7 place when I came. I have been very impressed with the quality
8 and the competence of the employees we have assigned to TOC and,
9 therefore, I have not made any changes. I am satisfied that we
10 have the absolutely top employees within our organization with the
11 right experience committed to support of TOC.

12 Q. Okay. And then I think we've covered this next
13 question, that Mr. Tebo is a full-time -- he is an employee of
14 MDOT, as well Mr. Frank and MR. Dentamaro, so I don't think we
15 need to go into that any further.

16 Is the Executive Committee involved in developing the
17 required training for members of the TOC?

18 A. No.

19 Q. Does the TOC maintain an office in the State of
20 Maryland?

21 A. It would -- it's MDOT. So here at MDOT would be the
22 official address for the TOC.

23 Q. Okay. And is there also a central office or one of the
24 other jurisdictions for the -- for TOC? Do they have a central
25 location?

1 A. No.

2 Q. Okay. Does TOC engage contractors or consultants to
3 assist with their oversight responsibilities?

4 A. Yes.

5 Q. Can you tell us a little bit about the functions that
6 the contractor or the consultants perform for TOC?

7 MR. FRANK: Yeah. This is Bud Frank again. We do
8 employ -- actually, the contractor was selected by the TOC. It is
9 Transportation Resources Associates, I believe, is the actual
10 name, but they go by TRA. They are hired by the TOC in general,
11 not by any of the jurisdictions. It's actually, we -- because of
12 the jurisdictional issue, TRA is hired by the Metropolitan
13 Washington Council of Governments. And what occurs is, each of
14 the three jurisdictions provides one-third of the funding for that
15 contract to COG, who then has them as a contractor.

16 What TRA does is a direct support of all the TOC
17 members. They have a high level of expertise, many of them much
18 higher than our own personnel, which is a benefit to us, that they
19 would sit in with our members on meetings; they would do research
20 of the various plans and programs that WMATA has in place to
21 ensure compliance with federal regulations; they assist with
22 audits; they assist with investigations. So that is a service
23 that's provided annually by contract, and they have reach-back
24 capabilities to get people with specific expertise based on
25 whatever the issue is that we're dealing with at the time.

1 MS. GREGORY: Thank you. Mr. Frank, can you tell me how
2 their contract is monitored? Is that done by --

3 MR. FRANK: Yes --

4 MS. GREGORY: -- by COG or is that done by TOC?

5 MR. FRANK: It's actually done by TOC. As the
6 deliverables occur, each of the three jurisdictions will ensure
7 that the product that they have meets the required or requested
8 deliverable of the TOC. The invoicing, each of the invoices
9 monthly are prepared. They're disseminated to each of the three
10 members who would review the invoice for accuracy and
11 clarification. Each of the three members will then approve that
12 invoice and send back to COG, who will in turn pay the invoice if,
13 in fact, it is approved. If there are any discrepancies or
14 inquiries, that is also addressed and the response to that is
15 given to all three members of the TOC to ensure that everybody is
16 in agreement of any invoices that occur, and the same with the
17 deliverables. Obviously, as a product is determined -- or is
18 provided to us for deliverable, it is reviewed by all three
19 members of the TOC, and all three members have to agree and
20 approve that met the requirements that we asked for.

21 MS. GREGORY: Mr. Frank, could you kind of give me an
22 estimate of the percentage of TOC activities that is done by the
23 contractor or your consultant?

24 MR. FRANK: Anecdotally, probably as much, if not more,
25 than -- I think they're actually looking at or doing a survey now

1 of looking at the hours; in other words, the number of hours that
2 the TOC puts in, in addition to the number of hours that the
3 contractor puts in. Based on my experience with our Maryland
4 state safety oversight, I would not be surprised to see that the
5 actual hours put in are triple what our staffing levels currently
6 are, particularly with the MAP-21. That's -- MAP-21 has nearly
7 doubled our workload in addition to the state safety oversight
8 requirements of what they have to do on a daily basis.

9 MS. GREGORY: Well, thank you for that very
10 comprehensive answer. That was exactly what I was looking for
11 there.

12 BY MS. GREGORY:

13 Q. Understanding that WMATA is a very large agency and, you
14 know, has more than 1100 railcars, thousands of buses,
15 paratransit, and more than 10,000 employees, and, of course, they
16 serve, you know, about a million passengers every day, do you feel
17 Secretary Rahn, that the TOC staffing levels are sufficient to
18 ensure effective safety oversight?

19 A. I don't know the answer to that. I just -- I have not
20 had enough involvement --

21 Q. Um-hum. Oh, I --

22 A. -- to be able to assess whether that level of
23 involvement is enough and whether -- and I guess the question
24 isn't really is it enough; the question is is it effective? And
25 that's a concern I have. And whether it's through TOC or whether

1 it's through some other means, I'm very concerned about the
2 effectiveness of safety programs ensuring that every passenger is
3 safe on every means of travel on WMATA.

4 Q. Okay, thank you. Secretary Rahn, are you aware of the
5 TOC leading its own investigation of any safety issue or accident
6 at WMATA?

7 A. No. I don't believe there is an investigation by TOC.

8 Q. Okay, thank you. And then how are you notified about
9 accidents or incidents, events that occur on the WMATA system?

10 A. Through Mr. Frank, who has not hesitated to ever tell me
11 what's going on, not just WMATA, but across the State of Maryland.

12 Q. Great. Are you familiar with the number of fire and
13 smoke events that have happened in the last year on the WMATA
14 system?

15 A. I am not.

16 Q. Through our investigation, we determined that in 2014,
17 the documentation shows there were 69 reported fires and 35
18 reported smoke incidents in that one calendar year. Based on your
19 experience, would you characterize that number of events as a
20 risk?

21 A. I guess you would have to, I mean, in hindsight. That
22 would have to be classified as a risk. Is that -- but I do not --
23 I don't know if that is an unusual occurrence within a system of
24 this size, but it would -- on the surface, I would have to say
25 that that would be a warning of issues that need to be addressed

1 in the typical maintenance of your system.

2 Q. Okay. And in your opinion, what are the top priorities
3 in conducting the safety oversight? For example, how much of the
4 time is spent on new projects, such as the Silver Line or the
5 purchases of the new rail vehicles, in comparison to the state of
6 good repair and operations?

7 A. Is this for TOC you're asking?

8 Q. Yes, sir.

9 A. Well, as -- the means by which safety oversight is its
10 responsibility, I'd have to say that that should be the
11 overwhelming bulk of the direction or activities of TOC.

12 Q. Okay. Do you know if they use any kind of kind of
13 formalized risk management methods to determine where their
14 efforts would be most needed or effective?

15 A. You know, I don't know that, again, reiterating that
16 I've been on the job not quite 4 months.

17 Q. Okay. How involved is the Executive Committee in the
18 triennial review of WMATA? I understand they break that apart and
19 do one-third of the required elements each year in a 3-year cycle.
20 So how involved is the Executive Committee in that process?

21 A. I don't believe it's -- there's -- I don't believe
22 there's much involvement, if any.

23 Q. Okay. Do you know -- in your 4½ months there, have you
24 had the opportunity to review last year's portion of the triennial
25 review?

1 A. I have not.

2 Q. Okay. Have they brought any recommendations and
3 corrective action plans forward to the Executive Committee?

4 A. No. But I do believe that the issue that's being waited
5 on is actually the report that you're working on yourself.

6 Q. Okay. Let's see. I'm going to skip a couple of these.
7 Do you know if the Executive Committee conducts any kind
8 of trend analysis of the WMATA accidents and incidents?

9 A. I do not know.

10 Q. Okay. Does the Executive Committee host any kind of
11 public meetings?

12 A. Mr. Frank is telling me yes.

13 MS. GREGORY: Mr. Frank, could you elaborate a little
14 bit?

15 MR. FRANK: Yes. The Executive Committee meeting can be
16 an open meeting as well as a closed meeting, dependent upon the
17 information that needs to be discussed. There is times when there
18 is an open portion of the meeting. I can't recall ever having
19 anyone attend the meetings, to be quite candid, though.

20 MS. GREGORY: How often does the committee meet?

21 MR. FRANK: Our goal is to meet four times a year. As
22 you can imagine, with three executives at this level, to
23 coordinate the scheduling of that, it's difficult. We have a
24 tentative date scheduled for early June and we're awaiting
25 confirmation from the other two executives.

1 MS. GREGORY: Okay. Just -- could you tell me how many
2 times the committee met last year, in 2014?

3 MR. FRANK: I don't have that information in front of
4 me. I don't recall.

5 MS. GREGORY: Okay, thank you.

6 BY MS. GREGORY:

7 Q. Secretary Rahn, would you consider the relationship
8 between the TOC and WMATA as a collaborative one or does it seem
9 to be adversarial?

10 A. I'm not -- again, not having had a meeting yet of it, I
11 have no means of providing that assessment.

12 Q. Okay, fair enough. On the TOC website, it indicates
13 that the actual TOC has to rely on legislation from each state,
14 Virginia and Maryland and the D.C. Government, to impose
15 penalties. Do you know if there's been any attempt to have
16 legislation enacted to impose any penalties?

17 A. There has not.

18 Q. Okay. Now, let's see. We've talked -- we've touched on
19 MAP-21 a little bit. It sounds like all three of you are very
20 familiar with the new law. In your opinion, do you think it would
21 be better to have the FTA regulate WMATA directly in preference to
22 the Tri-state approach? Which do you think would be more
23 effective?

24 A. You know, I do not believe having the federal government
25 regulate directly WMATA is the right approach. I just, in

1 general, believe that the -- when the federal government gets
2 involved in something, the bureaucracy gets even greater and the
3 effectiveness becomes less.

4 Q. Okay, I understand. Thank you very much for your
5 candidness.

6 And my last question is towards the TOC program standard
7 -- program plan. And understanding that you're very new, I'd like
8 to know how much the Executive Committee is involved in the
9 development of that plan and in the annual review of the plan?

10 A. All right, again, Mr. Frank is shaking his head no --

11 Q. No.

12 A. -- so I have to rely on him for this answer.

13 Q. Okay. And then I know we've touched on that there was a
14 new work plan submitted before you were appointed to your current
15 position, Secretary Rahn, but maybe one of your colleagues could
16 tell me if the committee, Executive Committee, was involved in
17 directing that work plan to move towards MAP-21?

18 MR. FRANK: Yes. This is Bud speaking. To the first
19 part, the program plan, as that is updated annually, the draft is
20 disseminated to the policy members and the executive members for
21 review and any recommendations that they may have before that's
22 finalized. The comprehensive work plan was the same. And I don't
23 know if you've received a copy of it, but comprehensive could be
24 determined to be voluminous at the same time, so it's -- it really
25 gets down into the weeds as to how we are going to go from today

1 to whatever the final rule is to meet the MAP-21 requirements as a
2 state safety oversight in a multi-jurisdictional entity. So the
3 development of that plan, again, Secretary Rahn's predecessor was
4 provided a draft copy for review and any comments. I don't
5 believe, quite candidly, that we got anything back from the then-
6 secretary. It's a heavy read, to be blunt.

7 MS. GREGORY: Okay. It's a great shift in the
8 legislation on that, so I understand that. Thank you very much.

9 BY MS. GREGORY:

10 Q. And, Secretary Rahn, in closing, is there anything you
11 would like to add for the record that would help us in our
12 investigation in preparation for this public hearing?

13 A. Well, I think it's important to understand that the
14 executive leadership from the three states and the TOC is really a
15 role of pointing the direction that the staff needs to go in, in
16 ensuring safety policies, safety plans, and implementation of
17 those plans. And so the critical piece, I believe, as CEO of an
18 organization, is to ensure that we have the right people doing the
19 right thing at the right time. And I believe for our role as
20 Maryland's portion of this overall responsibility, we do have
21 that. We have the right people there. They're paying attention
22 to these issues. And when there is divergence from the policy
23 that the executives have established, the staff brings those
24 issues to our attention. And I think that's important to
25 understand, then, the role of these three CEOs functioning as the

1 executive leadership of the TOC.

2 Q. Okay, thank you.

3 MS. GREGORY: And, Mr. Frank, would you care to add
4 anything for the record?

5 MR. FRANK: No thank you.

6 MS. GREGORY: And, Mr. McDonald?

7 MR. McDONALD: Well, I just started April 16th, so I
8 really don't have any comments to make on any of it. So thank
9 you.

10 MS. GREGORY: Okay.

11 BY MS. GREGORY:

12 Q. And I do have one last question before I defer to my
13 colleague to see if he has any follow-up questions. But,
14 Secretary Rahn, could you give us a brief description of your
15 background, what you did before coming to MDOT?

16 A. Sure. My transportation background is I spent 8 years
17 as the secretary of transportation in New Mexico. I then spent 6
18 years as the director of the Missouri Department of
19 Transportation. I returned to New Mexico in a private sector role
20 as the national transportation practice leader for HNTB. During
21 that same time, I served as chairman of the New Mexico State
22 Transportation Commission, and now as the secretary of the
23 Maryland DOT. I served as president of AASHTO 2007 to 2008, and I
24 spent 5 years on the executive committee of the Transportation
25 Research Board, along with various roles in other organizations

1 and significant recognition from various national organizations
2 for achievements of DOTs while I was in the leadership role.

3 Q. Excellent. Thank you.

4 MS. GREGORY: And now I'm going to defer to my
5 colleague, Mr. Schultheisz, to see if he's got any follow-up
6 questions.

7 DR. SCHULTHEISZ: Yeah. Hi. This is Carl Schultheisz.
8 This is kind of an open-ended question and I'm really just
9 curious. How does the state safety oversight of the Baltimore
10 subway compare with how you approach state safety oversight of
11 WMATA?

12 MR. FRANK: Yeah, Carl, this is Bud Frank. The two
13 plans -- the two organizations, I guess you could say, they mirror
14 each other exactly. I have a full-time person that is the state
15 safety oversight for our Maryland Transit Administration. His
16 role is the same as Mr. Tebo's, to ensure compliance with all the
17 federal guidelines and regulations and requirements, all the plans
18 and audits and everything that occurs.

19 So from a supervision standpoint, it's real easy because
20 my guys are doing the same thing; not necessarily at the same
21 time. Fortunately, our audits don't occur at the same time and,
22 to this point, we haven't had incidents occur at the same time.
23 But they do support each other throughout the year, throughout the
24 day, and, you know, again, from a management standpoint, they
25 mirror each other directly.

1 And the other positive for us is, strictly
2 coincidentally, because it's an open-bid process, that TRA is also
3 our contract support on the Maryland Transit Administration
4 oversight side, so dealing with the same people and providing the
5 same level of expertise is a huge benefit to us.

6 And, of course, lessons learned goes across the board
7 too if we find an issue. You know, I will candidly say that after
8 this current incident that you're investigating, we immediately
9 turned our sights to our transit administration system to see if
10 any of the apparent issues that had maybe had an effect or cause
11 on the incident at WMATA, you know, how were we with our local
12 system. You know, I think probably most of the transit systems
13 across the nation did the same thing, you know. It's smart to do
14 that and it's common sense.

15 So, essentially, what happens with the TOC happens in
16 Maryland, but the advantage is we don't have multiple
17 jurisdictions, we don't have multiple executives, we don't have
18 multiple people to appease to get our job done.

19 DR. SCHULTHEISZ: Right. And so, do you have, in a
20 sense, more authority to impose penalties or, you know, make sure
21 that safety improvements happen? And is there -- have you done
22 something --

23 MR. RAHN: This is Pete Rahn. I just wanted to respond.
24 We don't assess penalties because we operate it. So we don't need
25 to penalize ourselves; we just -- if we identify an issue, we need

1 to resolve it. And that's the benefit of having the system
2 entirely under our jurisdiction is we can make those decisions, we
3 can allocate the resources, and we can take corrective action if
4 we identify an issue.

5 DR. SCHULTHEISZ: Right. And so, going ahead with the
6 MAP-21, have you developed a plan for the state safety oversight
7 for Baltimore? And I assume that that would be an easier thing to
8 do with a single jurisdiction?

9 MR. FRANK: Bud Frank speaking again. Yes and no. We
10 do have a plan. We have a comprehensive work plan just like we
11 developed for TOC. However, under the MAP-21 requirements and FTA
12 guidance, the state safety oversight cannot be a part of the
13 Maryland Department of Transportation, so we will have to move the
14 state safety oversight to another state agency to take over that
15 responsibility, but also as required under the MAP-21
16 requirements, we will have to have enabling legislation for audits
17 and subpoenas and hearings and penalty phases and all that type of
18 stuff. So that is a work in the progress. In the meantime, we
19 are continuing business as usual as we work on the changes that
20 have to occur as soon as the final rule comes out telling us
21 exactly what we have to do.

22 MS. GREGORY: If I could have one follow-up on that,
23 Mr. Frank? Is the reason for the new organization, is that to
24 avoid any perceived financial conflict? Is that the reason for
25 determining a -- setting up a new organization?

1 MR. FRANK: No. The FTA advised us because of the way
2 our financial organization occurs there is a separation enough
3 that financial separation does actually occur through our budget
4 process within the legislature. The concern was, is that the
5 modal administrator for the transit administration is a direct
6 report to the secretary of transportation, so they felt that there
7 was a conflict there. I've never seen it, but they said that
8 there has to be a separation between the head of the transit
9 agency and the head of the state agency that's doing the state
10 safety oversight.

11 MS. GREGORY: Okay. Thank you for that clarification.
12 And, Mr. Schultheisz?

13 DR. SCHULTHEISZ: I have no more questions. Thanks.

14 MS. GREGORY: Okay. Well, that concludes our interview.
15 And it is now 9:52 and I'm going to stop the recording.

16 (Whereupon, at 9:52. a.m., the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

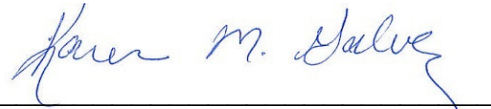
IN THE MATTER OF: WMATA INCIDENT AT L'ENFANT PLAZA
STATION, WASHINGTON, D.C.
JANUARY 12, 2015
Telephonic Interview of Peter K. Rahn

DOCKET NUMBER: DCA-15-FR-004

PLACE: Washington, D.C.

DATE: May 12, 2015

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Karen M. Galvez
Transcriber