



Metropolitan Transportation Author

Safety Committee Meeting

January 2015

Committee Members

T. Prendergast, Chair

F. Ferrer

A. Albert

J. Ballan

R. Bickford

N. Brown

A. Cappelli

C. Moerdler

M. Pally

J. Sedore, Jr.

V. Tessitore

E. Watt

N. Zuckerman

Safety Committee Meeting
347 Madison Ave, 5th Floor Board Room
New York, NY 10017
Thursday, 1/22/2015
8:30 - 9:30 AM ET

1. Public Comments

2. Approval of Minutes - October 27, 2014

Safety Committee Minutes - Page 3

3. 2015 Draft Safety Committee Work Plan

2015 Draft Safety Work Plan - Page 7

4. Chief Safety Officer Report (No Material)

5. Safety Committee Charter

Safety Committee Charter - Page 9

6. Key Safety Metrics (Distributed Separately)

7. NTSB Activities

Special Investigation of Metro-North Railroad - Page 13

Update on NTSB Safety Recommendations - Page 14

**Metropolitan Transportation Authority
Minutes of
Safety Committee Meeting
347 Madison Avenue
New York, NY 10017**

**Monday, October 27, 2014
2:45 p.m.**

The following members were present:

**Hon. Thomas F. Prendergast, Chairman & CEO
Hon. Fernando Ferrer, Vice Chairman
Hon. Mitchell Pally
Hon. Allen Cappelli
Hon. Charles Moerdler
Hon. Andrew Albert
Hon. Robert C. Bickford
Hon. James L. Sedore, Jr.
Hon. John Molloy
Hon. Susan Metzger
Hon. Neil Zuckerman
Hon. Carl Wortendyke
Hon. Johnathan Ballan**

Carmen Bianco, President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Joseph J. Giulietti, President, Metro-North Railroad, James Ferrara, President, TBTA, Darryl Irick, President/SVP, MTA Bus Operations and Michael Horodniceanu, President, MTA Capital Construction, also attended the meeting.

1. PUBLIC SPEAKERS.

There were no public speakers.

2. CHAIRMAN'S OPENING COMMENTS.

Chairman Prendergast announced he hired Mr. David Mayer as Chief Safety Officer at the Metropolitan Transportation Authority beginning December 1, 2014. Mr. Prendergast reminded the Committee that the Blue Ribbon Panel recommended to the MTA that it hire a safety oversight function at Headquarters. Mr. Prendergast described Mr. Mayer's extensive background in safety oversight at the National Transportation Safety Board ("NTSB") beginning in 1991. Mr. Prendergast stated that in 2009, as Managing Director, Mr. Mayer reached the highest career level position at the NTSB. He also stated, Mr. Mayer will report directly to Mr. Prendergast and will work closely with the Agency heads and their safety officers to develop consistent Agency-wide safety strategies.

3. MONTHLY SAFETY REPORTS.

Chairman Prendergast stated that MTA will present the monthly safety reports from New York City Transit and MTA Bus Company (“Transit”), Long Island Rail Road (“LIRR”), Metro-North Railroad (“Metro-North”) and Bridges & Tunnels. Mr. Prendergast stated that these reports are contained in the Safety Committee and the Agencies’ committee books. He also welcomed Jim Foley as the new Safety Officer for Bridges and Tunnels. Mr. Prendergast opened the floor to questions with respect to the monthly reports. There were no questions.

4. BLUE RIBBON PANEL REPORT AND PRESENTATION.

Mr. Prendergast introduced Mort Downey, Chair of the Blue Ribbon Panel to discuss the results of the Blue Ribbon Panel report about the safety and operational practices at Transit, LIRR and Metro North.

Further details of the Blue Ribbon Panel Presentation are contained in reports filed with the records of this meeting and in the video recording of the meeting produced by the MTA and maintained in the MTA records.

After the presentation, Chairman Prendergast stated that the panel did an excellent job and brought expertise to the table. Mr. Prendergast asked Mr. Downey two questions; 1. What is Mr. Downey’s definition of culture is and how does Mr. Downey know when the organization gets there? Mr. Downey responded that the definition must respond to how the Agency as a whole feels about safety and how does the front line staff feel about safety and does the organization get results? He also commented that the people on the front line really know what needs to be done and they must feel comfortable alerting management to matters. He stated the communication must be there to achieve a result that you want to achieve.

Mr. Pally stated to Mr. Downey that the Board have had discussions at railroad Committee meetings with respect to the balance between safety and service, reliability and on-time performance. Mr. Pally stated that the scale probably tipped more to one side and asked Mr. Downey, in your opinion, where is that balance and do we to change the way we determine factors for service? In sum, Mr. Pally asked, how do you find your new balance and how do you explain it?

Mr. Downey responded that you must start with the explanation that if you are only concerned with on-time performance, you will be running safety risks. He stated that the balance has to start with building the optimum maintenance schedule and then working with the operating staff to find the time to do it. Mr. Downey said that it should be in the context as to why we must do things and if you must pick one area to be perfect; the answer must be safety. Mr. Downey stated that the question should be, what are the schedules that can achieve that on- time performance? Mr. Downey also said that the MTA must get everyone at the table to achieve that schedule.

Chairman Prendergast commented that you have to have standards, processes and procedures that are as close to best in class. Mr. Prendergast also said you must have people who are responsible to meet those procedures and who those who have reasoned judgment.

Mr. Downey stated you must rely on front line workers who are close to the conditions and that the workers must feel comfortable that if they see something that they take the appropriate action that they will be backed up.

Mr. Pally stated that he has had discussions about whether or not the MTA should omit the on-time performance statistic from the book because it may not be a meaningful statistic. Mr. Pally stated that arriving safely, is to him, more important than whether or not the train arrived within the on time goal.

Prendergast thanked Mr. Downey and then introduced the President Joe Giulietti for his presentation.

5. METRO-NORTH AND LONG ISLAND RAIL ROAD PRESENTATION

Mr. Giulietti proceeded to present a report about the safety steps and actions at Metro- North to date. Further details of the Metro- North Presentation are contained in reports filed with the records of this meeting and in the video recording of the meeting produced by the MTA and maintained in the MTA records.

Chairman Prendergast asked Mr. Giulietti if Metro- North Mr. Giulietti if there was some work completed on interlocking in Harlem so that Metro-North could do more periodic maintenance. Mr. Giulietti responded that took some delays to complete maintenance. Mr. Giulietti stated he hired a retiree to with certain expertise to bring back an interlocking that was previously lost giving Metro- North more access. President Giulietti stated that almost all of the work is to bring the Metro- North to a state of good repair. Chairman Prendergast commented that you must do the basics to restore.

Mr. Prendergast then introduced Long Island Rail Road President Patrick Nowakowski to present a report about the safety steps and actions at Long Island Rail Road. Further details of the Long Island Rail Road Presentation are contained in reports filed with the records of this meeting and in the video recording of the meeting produced by the MTA and maintained in the MTA records.

Mr. Prendergast commented that for agencies as old as these three Agencies are incorporating technologies into old systems is a challenge and the Agencies do not get sufficient federal funding but that MTA would find the funding.

Mr. Ferrar stated that for the first time in a long time he feels confident again that the Agencies are back on top of things and he commented that he believes we have the right operating people in place. Mr. Ferrar asked Mr. Giulietti, about TTCI and the ground penetrating radar. Mr. Giulietti explained that you must take care of drainage issues in the railroad and that TTCI came in and tested and confirmed there were drainage issue and identified areas to address. Mr. Giulietti added that TTCI has already come back for more work and that he has extended their contract.

Mr. Ferrar asked if Metro- North is continuing that relationship until we are confident that our rail is in good shape and what supports the rail is in good shape. He asked Mr. Giulietti to confirm we are dealing with drainage issues. Mr. Giulietti confirmed.

Mr. Ferrar asked Mr. Nowakowski if Long Island Rail Road had drainage issues. Mr. Nowakowski stated that there are areas that need some drainage work and that drainage work always needs to be completed. Mr. Nowakowski stated they also used TTCI and that he will follow up with them for a report.

Mr. Zuckerman stated that in his personal history, in his first career, he was a U.S. Army Captain. He added that the culture was to consider everyone a safety officer and that no matter the level, all the people were responsible to point out safety issues. Mr. Zuckerman urged that the MTA make a change in the workforce and focus on the perception of the change. He also urged the MTA to survey the employee population about their comfort level to address issues.

6. ADJOURNMENT

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 3:58.

DISCUSSION DRAFT 2015 Safety Committee Work Plan

I. RECURRING AGENDA ITEMS

Public Comments
Approval of Minutes
Chief Safety Officer's Report

II. SPECIFIC AGENDA ITEMS

January 2015

Review of Committee Charter
2015 Committee Work Plan
Key Safety Metrics
NTSB Special Investigation (November 2014)

March 2015

Approval of 2015 Committee Work Plan
Key Safety Metrics
Safety Goals for 2015
Open Forum on Safety Issues

May 2015

Placeholder – Multiagency safety issue

July 2015

Safety Goals for 2015: Progress report
Placeholder – Multiagency safety issue
Open Forum on Safety Issues

November 2015

Safety Goals for 2015: Progress report
Placeholder – Multiagency safety issue
Self-Evaluation of Safety Committee Performance
Review of Safety Committee Charter

January 2016

Annual Safety Report for 2015 (close out of 2014 safety goals)
Approval of 2016 Work Plan
Placeholder – Multiagency safety issue

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The Metropolitan Transportation Authority

SAFETY COMMITTEE

This Charter for the Safety Committee was adopted by the Board Chair and a majority of the members of Board of the Metropolitan Transportation Authority, a public benefit corporation established under the laws of the State of New York (together with any other entity or corporation for which the members of the Metropolitan Transportation Authority serve as a board of directors, the “MTA”), on March 26, 2014.

I. PURPOSE

The Safety Committee (the “Committee”) shall assist the Board Chair and the Board by reviewing, providing guidance, and making recommendations with respect to safety on an MTA-wide basis.

II. COMMITTEE AUTHORITY

In discharging its role, the Committee is empowered to investigate any matter brought to its attention. To facilitate any such investigation, the chairperson of the Committee shall have access to all books, records, facilities and staff of the MTA (including any of its subsidiary corporations or affiliates). The foregoing is not intended to alter or curtail existing rights of individual Board members to access books, records or staff in connection with the performance of their fiduciary duties as Board members.

III. COMMITTEE MEMBERSHIP

The Committee shall consist of 3 or more members of the Board and shall include the Board Chair, the chairs of each operating committee of the Board, and each member of the Board recommended for appointment to the Board by a labor organization. All other members of the Committee shall be appointed by the Board Chair. If not otherwise a member of the Committee, each Vice-Chair of the Board shall be an *ex officio* member of the Committee. The Board Chair shall appoint the chairperson of the Committee. In the absence of the chairperson at a meeting of the Committee, the Board Chair shall appoint a temporary chairperson to chair such meeting. A member of the Committee may be removed, for cause or without cause, by the Board Chair.

IV. COMMITTEE MEETINGS

The Committee shall meet on a regularly-scheduled basis at least 4 times per year, and more frequently as circumstances dictate. The Committee shall cause to be kept adequate minutes of all its proceedings and records of any action taken. Committee members will be furnished with copies of the minutes of each meeting. Meetings of the Committee shall be open to the public, and the Committee shall be governed by the rules regarding public meetings set forth in the applicable provisions of the Public Authorities Law and Article 7 of the Public Officers Law that relate to public notice, public speaking and the conduct of executive session. The Committee may form and assign responsibilities to subcommittees when appropriate.

The Committee may request that any member of the Board, the Chief Safety Officer, the Auditor General, any officer or staff of the MTA, or any other person whose advice and counsel are sought by the Committee, attend any meeting of the Committee to provide such pertinent information as the Committee requests. The Chief Safety Officer shall (1) furnish the Committee with all material information pertinent to matters appearing on the Committee agenda relating to safety on an MTA-wide basis, (2) provide the chairperson of the Committee with all information regarding safety on an MTA-wide basis that is material to the Committee's monitoring and oversight of safety on an MTA-wide basis, and (3) inform the chairperson of the Committee of any matters not already on the Committee agenda that should be added to the agenda in order for the Committee to be adequately monitoring and overseeing safety on an MTA-wide basis.

V. COMMITTEE REPORTS.

The chairperson of the Committee shall report on the Committee's proceedings, and any recommendations made.

VI. KEY RESPONSIBILITIES

The following responsibilities are set forth as a guide with the understanding that the Committee may diverge as appropriate given the circumstances. The Committee is authorized to carry out these and such other responsibilities assigned by the Board Chair or the Board, from time to time, and take any actions reasonably related to the mandate of this Charter.

To fulfill its purpose, the Committee shall:

1. Monitor the implementation of the annual safety goals and programs of the MTA and each of its subsidiaries and constituent agencies;
2. Monitor the safety record of the MTA and each of its subsidiaries and constituent authorities, including by selecting and reviewing key safety indicators;
3. Provide a forum for the open discussion of safety issues among representatives from the MTA and each of its subsidiaries and constituent agencies;
4. Facilitate the identification of approaches and solutions that address MTA-wide safety issues;
5. Review and assess the adequacy of this Charter annually;
6. Conduct an annual self-evaluation of the performance of the Committee, including its effectiveness and compliance with this Charter; and
7. Report regularly to the Board Chair and Board on Committee findings and recommendations and any other matters the Committee deems appropriate

or the Board Chair or the Board requests, and maintain minutes or other records of Committee meetings and activities.

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Findings of the NTSB's Special Investigation

1. Metro-North Railroad did not effectively use its System Safety Program Plan or Priority One Program for their intended purposes of providing guidance for managing the safety of the Metro-North Railroad operations and employees.
2. The Metro-North Railroad Safety and Security Department was ineffective in identifying and resolving operational or process safety issues across its departments, and the organizational structure of Metro-North Railroad and its safety programs did not support effective safety risk management of all its departments and functions.
3. Metro-North Railroad did not effectively investigate accidents and incidents and address known deficiencies to continuously improve and revise processes to prevent recurrences.
4. Metro-North Railroad did not have an effective system for identifying, monitoring, analyzing, and mitigating safety risks.
5. Metro-North Railroad did not have an effective program that encouraged all employees to report safety issues and observations.
6. The Metro-North Railroad program of operational testing for speed compliance was inadequate at the time of the December 1, 2013, derailment in The Bronx.
7. Metro-North Railroad lacked an effective oversight and enforcement program to ensure that employees and managers understand and comply with established safety procedures.
8. Metro-North Railroad managers often lacked the ability to effectively conduct audits, operational testing processes, and safety risk management actions as described in the Metro-North Railroad System Safety Program Plan.
9. Metro-North Railroad medical protocols lacked appropriate guidance regarding sleep disorders and medications.
10. Metro-North Railroad and the Long Island Railroad did not have adequate protocols to screen employees, especially those performing safety-sensitive functions, for sleep disorders despite the implementation of a protocol at New York City Transit.
11. Had the Metropolitan Transportation Authority implemented uniform screening protocols across all of its properties based on the success at New York City Transit, the Metro-North Railroad engineer's sleep disorder could have been detected and controlled prior to the December 1, 2013, derailment in The Bronx.

NTSB Open Safety Recommendations

Issue	MTA	MNR	LIRR
Safety Management <ul style="list-style-type: none"> • Systematically review operating information to identify safety trends and improve safety across organizational lines, ensure third party recommendations are implemented • Implement confidential close call reporting • Develop, implement, and train on internal auditing and safety risk management 	3	1 2	
Positive Train Control <ul style="list-style-type: none"> • Report to FRA every 6 month on status 		1	1
Operations <ul style="list-style-type: none"> • Improve track inspection program • Install speed restriction signs • Install and make use of recorders 		1 1 2	
Medical Factors <ul style="list-style-type: none"> • Revise medical protocols to include sleep disorders, prohibited medications • Screen for sleep disorders 		2 1	