WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

MEMORANDUM OF UNDERSTANDING

For the Confidential Close Call Transit Safety Reporting System

4/23/2013

U.S. Department of Transportation
Research and Innovative Technology Administration

Memorandum of Understanding for the Confidential Close Call Transit Safety Reporting System (C³TSRS) for the Washington Metropolitan Area Transit Authority

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1. Background

Over the past few years, the Washington Metropolitan Area Transit Authority (WMATA) has made significant progress in improving the safety of our rail transit operations: injury rates in the workplace and for customers on our system continue to decrease each year due to focused safety strategies that address the most frequent types of incidents; closed out multiple National Transportation Safety Board (NTSB) recommendations; trained employees in Roadway Worker Protection (RWP) and revised RWP manual; and advanced a worker fatigue management program, to name a few key safety achievements.

Employees currently have multiple avenues to report safety concerns, such as the Operations Control Center (OCC) and their supervisors, hotlines hosted by WMATA Safety, the Inspector General, and the Amalgamated Transit Union L689 (L689) President, WMATA's and L689's safety officers, and worksite Local Safety Committees. While "close calls" are among the type of safety concerns reported, in general the safety program and strategies are focused on reportable events. As reportable events continue to decline over time, there is a danger of losing focus. Safety can become invisible. Due to hazards inherent in our business, WMATA employees need to keep a constant focus on and attention to safety.

WMATA Rail and Transit Infrastructure and Engineering Services (TIES) employees, like employees in other industries, are often unwilling to report events that could result in adverse safety outcomes, particularly with respect to self-reported behaviors, because disclosure may result in discipline for the employee and/or fellow employees. Confidential safety reporting programs address these problems by collecting information about close calls in a way that protects the identity of the employee.

Nearly all rail transit incidents are preceded by a chain of events or circumstances, which if altered could potentially produce a different outcome. In some cases, WMATA is aware of these "close calls" and may have information that could prevent future mishaps. For example, a March 1 2012 Operations Control Center report details an incident where a Systems Maintenance team began to "hot stick" the wrong track toward the end of revenue service for the day, placing them on an active track with an oncoming train. The team contacted OCC to report that their work order was misleading, and they were confused as to which track they were accessing. WMATA has other recent reports of incidents where work crews on the right of way did not follow standard operating procedure, placing them in harm's way.

When individual close call events are analyzed collectively, the agency can identify safety hazards and develop solutions to these threats. Analyses/hazard identification from close call reports can also provide important safety information to the transit industry.

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2. Purpose of the Memorandum of Understanding

WMATA and L689 share an interest in improving rail transit safety. As part of the agency's mission to provide safe, equitable, reliable and cost-effective public transit and its strategic goal to "Build and maintain a premier safety culture and system", the parties are sponsoring the Confidential Close Call Transit Safety Reporting System (C^{3}TSRS) pilot project to demonstrate the effectiveness of a confidential, non-punitive close call reporting system for WMATA/L689 and the rail transit industry at large. This system will capture data that would otherwise not be captured as well as provide WMATA with opportunities to identify safety issues that require preventative safety actions.

A confidential close call reporting system is not separate and apart from the existing WMATA reporting systems. It provides another tool to identify and assess safety risks in our transit agency operation. Close call reporting systems present additional opportunities to improve WMATA's safety performance by increasing the focus on prevention. This system can produce critical, new information that can lead to strategies and interventions to prevent accidents and injuries. The system can also be used to monitor changes in safety over time and to uncover hidden unsafe conditions that were previously unreported.

Confidentiality for employees who report close calls is a critical success factor for the pilot. WMATA/L689 have identified the Bureau of Transportation Statistics (BTS), Research Innovative Technology Administration (RITA) of the United States Department of Transportation as the third party to accept, store, process, and analyze the reports, as well as to disseminate reports to the participants, other agencies as appropriate, and the public on trends and new risks

The close call reporting system should foster a voluntary, cooperative, non-punitive environment to communicate safety concerns. Through analysis of close calls, the parties will receive information about factors that may contribute to unsafe events and the error recovery mechanisms that prevented an adverse consequence from occurring. WMATA can use this information to help develop preventative safety actions to help reduce risks to safety. The close call system should also track and assess the preventative safety actions taken in response to close call events to identify successful and unsuccessful actions. The program should help determine what factors (i.e., equipment design, training, operating practices, management practices) promote the elimination of errors and what factors promote recovery from errors.

This Memorandum of Understanding (MOU) describes the provisions of the C^{3}TSRS pilot project and explains the rights, roles, and responsibilities of the participants. It describes how the system will be implemented.

3. Goals of the Confidential Close Call Transit Safety Reporting System

For this pilot project, close call reports should address the following goals:

- Improve the safety culture by encouraging and increasing the frequency of employee reporting of safety concerns;

- Monitor the frequency of known existing risks to safety;

- Learn about new risks to safety;

- Heighten awareness of safety risks in the transit industry; and

- Enable WMATA and L689 to identify safety issues that require preventative action.

4. Definition of a "Close Call" Event

A **close call** is a situation or circumstance that had the potential for safety consequences, but did not result in an adverse safety event.

It can be any safety concern that could lead to an unsafe event or condition, or any event that is perceived as potentially endangering one's own safety or someone else's safety at work, including employees, contractors, or the public. It can also relate to equipment or the environment. Knowledge about a close call presents an opportunity to improve safety practices and culture.

5. Close Call Safety Reporting System Pilot Project Description

The project is designed to perform six primary functions:

1. Accept reports of close calls that meet the criteria set forth in Section 7;

2. Store confidential data;

3. Analyze close calls;

4. Disseminate reports on trends and other information to increase WMATA and transit industry safety;

5. Track WMATA's reports on preventative safety actions to measure the reporting system's impact on safety; and

6. Evaluate and identify ways to improve the effectiveness of the reporting system.

The system will be a dynamic pilot project, and while this MOU attempts to identify the elements needed to make this a successful project and WMATA a safer organization, the project will be adjusted as needed to ensure it continues to meet objectives and the needs of the parties.

5.1 Key Stakeholders

The primary organizations that will be involved in the pilot project are: WMATA, L689, and BTS.

5.2 Steps in the reporting process

Step	Responsible party
1. Identify an unsafe event or condition and initiate then complete a close call report. Employees can use an 800 telephone number to initiate a close call and then fill out a report online within the 24 hour deadline to complete the process.	Employee(s)

2. Enter close call report in tracking system [1]
  a. Confirm eligibility (see section 7.1, criteria for close call report acceptance).
  b. Provide confirmation receipt to employee.
  c. Provide feedback to reporting employee(s) if report is rejected.
	BTS

3. BTS will interview all reporting employees to collect additional details about the reported close call event or unsafe condition. If it meets acceptance criteria, report receives final acceptance.[2]	BTS
4. Analyze individual close call report for preliminary root causes and multiple reports for emerging trends and new sources of risk. Produce report based on the collected data and forward to the PRT for analysis.	BTS

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[1] If initial report contains insufficient information to determine acceptance, report will receive provisional acceptance by BTS. Final eligibility will be determined when the interviewer obtains more information from the employee.

[2] The assumption is that all reporting employees will be contacted for an interview during the first year of the program.

5. Meet at regular intervals to:
 	
  a. Review BTS' recommendation on preliminary root causes of reported close call incidents. Analyze summarized data from multiple reports;
 	
  b. Identify new sources of emerging trends and new types of safety critical risks;
 	
  c. Assess the association between emerging patterns or trends in close calls, relate those to preventative safety actions to be taken by WMATA, and advise on implementation;
 	
  d. Review and discuss a summary report comprised of the individual close call reports generated from the Close Call Safety Reporting System, emerging trends, identified root causes, and suggested preventative safety actions;
 	
  e. Review and discuss all reports prior to their distribution.
	PRT

6. Review and accept individual WMATA decisions on preventative safety actions.	WMATA DGMO
7. Provide oversight and direct the implementation of approved preventative safety actions.	WMATA DGMO
8. Track preventative safety actions taken in response to close call events.	WMATA DGMO and Safety
9. Make feedback available to employees on preventative safety actions and safety outcomes resulting from their close call reports.	WMATA/L689/BTS
10. Write quarterly reports to summarize employee reporting activity, emerging trends of newly identified risks and proposed preventative safety actions. Distribute to all participants and put on a Close Call Safety Reporting System website.	BTS/PRT/WMATA
11. Write an annual report describing the status of the project, any modifications made and lessons learned to date; report on reporting activity; describe emerging trends and recommended solutions; distribute and put on a Close Call Safety Reporting System website.	BTS/PRT/WMATA
12. Write Special Reports on single topic issues, as needed (see Template in Appendix xx). Distribute to all participants and post on the BTS Close Call website.	BTS/PRT/WMATA

Reporting, tracking, and preventative safety action monitoring systems all will be developed and improved over time.

6. Eligibility

The Close Call Safety Reporting System pilot project applies to the following employees:

- L689-represented employees in the DGMO directorate, including Rail Transportation (RTRA) and Transit Infrastructure and Engineering Services (TIES);
- L689-represented employees in the IT directorate in the classification of Integrated Network Technician; and
- Frontline supervisors of the above employees (detail in Appendix B).

A WMATA employee filing a close call report in accordance with this MOU must belong to and be performing in one of the eligible roles listed above in order to receive protection from WMATA discipline.

7. Reporting Procedures

When a WMATA employee covered under this MOU observes a safety problem or experiences a close call event, he or she should note the problem or event and describe it in enough detail using the close call reporting form so that it can be evaluated by BTS and the PRT. All reports will be depersonalized by BTS before the PRT sees them.

7.1 Criteria for close call report acceptance

Employees included in the close call safety reporting pilot project can report any safety concern that could lead to an unsafe event or condition. Reports can be accepted for any condition or event that is perceived as potentially endangering employees, the public, equipment, or the environment. Any concern about one's own safety or someone else's safety at work can be reported. Each close call report must contain sufficiently detailed information about a safety event so that BTS can evaluate it. A BTS interviewer may call the employee to obtain more information about the event; if in doubt, the interviewer will err on the side of accepting the report.

BTS will conduct the first screening and the PRT may conduct a second. The following types of reports will be rejected:

1. Reports unrelated to the safety of WMATA's rail/transit infrastructure operations;
2. Urgent real-time issues (e.g., a runaway train);
3. Grievances, related to a safety event, which have previously been filed pursuant to the parties' Collective Bargaining Agreement.

7.2 Close call report form

BTS will develop an electronic close call report form that will request information about the date, time, location, contributing factors, actions taken, potential consequences, along with enough other information to fully describe the event or perceived safety problem. The employee shall complete the report form and submit it to BTS in accordance with the instructions on the form. BTS will provide a confirmation receipt to the employee. All reports will be depersonalized by BTS before the PRT sees them.

WMATA and L689 will post submission instructions and forms on company and union bulletin boards, newsletters, and websites.

7.3 Time limit to initiate and finish reporting in order to receive protection from discipline

Initiate reporting in 16 hours. Employees must initiate the close call report process no later than 16 hours after the incident. Reporting may be initiated in one of two ways: 1) begin entry of required information via the on-line reporting mechanism (eSubmit); or 2) call the 800 telephone number if access to the on-line reporting mechanism is not available during the first 16 hours after the incident. BTS will record the date and exact time a telephone call is started.

Finish reporting in 24 hours. Once a close call report is initiated on-line or via telephone, employees must finish the reporting process by fully completing and submitting to BTS the electronic report on-line (eSubmit) no later than 24 hours after the incident. Incomplete electronic reports or those submitted outside the 24 hour timeframe will be rejected by the on-line system as non-qualifying.

BTS will record the date and time that completed reports are received via the on-line mechanism (eSubmit) and will determine if the report meets the timeframes established by this MOU. To be fully accepted as a qualifying report, each report must also meet all other acceptance criteria as defined in this MOU.

Employees included in the close call safety reporting pilot project can file a confidential close call report at any time after the occurrence of an event or perceived safety issue, but reports not initiated within 16 hours or completed within 24 hours as detailed above will not provide protection from discipline.

8. Confidentiality

BTS shall act as the owner of the data reported to it by transit agency employees under the Close Call Pilot Project, and protect the confidentiality of this information through its own governance (Confidential Information Protection and Statistical Efficiency Act (CIPSEA)).

After BTS has determined that all relevant data from a close call event has been collected, the close call report shall be de-identified so that the employee's identity or anyone mentioned in the report can no longer be determined.

BTS shall protect the following information from disclosure when provided in a close call report:

1. The employee's close call report and the content of that report;

2. The name of the employee who submits a close call report;

3. Names of any other employees mentioned in the close call report, regardless of whether or not they are part of the pilot;

4. Any other information that would make it obvious that only a few, easily identifiable people could have made the close call report; and

5. Evidence and other information gathered during a PRT evaluation of a close call report.

9. Non-Punitive Disclosure of Information

9.1 Background

Since the main purpose of this Close Call Safety Reporting System is for WMATA and Local 689 to learn more about the safety risks they face, a central element is to provide a non-punitive environment.

Successful close call safety reporting systems protect the identity of the person disclosing information, and use the information for learning about system problems and coaching employees. Reporting unsafe conditions and actions are fostered in an environment where the organization wants to learn why the system failed and focus on improving it. Therefore, WMATA is prohibited from using any information contained in an accepted close call report to pursue any disciplinary or enforcement action, including that arising from the retrospective discovery of events involving violations of operating practices regarding the reported event. This includes the retrospective (as opposed to real time) use or review of recorded event data, including vehicle event recorders, audio recordings and video recordings. "Event recorder" means a device, designed to resist tampering, that monitors and records data on train speed, direction of motion, time, distance, throttle position, brake applications and operations (including train brake, independent brake, and, if so equipped, dynamic brake applications and operations), and, where the train is so equipped, cab signal aspect(s), over the most recent 48 hours of operation of the electrical system of the train on which it is installed.

Using specific events or trends highlighted by the Close Call reporting system to identify, target, or discipline employees is outside the spirit of this project and is a direct violation of CIPSEA.

9.2 Conditions that protect a reporting employee from discipline or enforcement action

Employees who file an accepted close call report and meet the eligibility and reporting procedures in sections 6 and 7 must also consent to an interview if requested by BTS in order to receive protection from discipline.

9.3 Conditions when a reporting employee is not protected from discipline

The following events do not qualify for protection from discipline under the close call safety reporting system:

1. The employee's action or lack of action was **intended** to damage WMATA's operations or equipment, or injure other employees, or the employee's action or lack of action purposely places others in danger (i.e., sabotage);

2. The employee's action or lack of action involved a criminal offense;

3. The employee's behavior involved substance abuse or inappropriate use of controlled substances;

4. The close call report contains falsified information;

5. The event resulted in a transit agency accident/incident and/or has caused or alleged to have caused any injury, illness, or medical treatment of any kind to any person involved in the event;

6. The event resulted in an identifiable release of a hazardous material;

7. The event was observed in real time and reported to WMATA by a WMATA supervisor, employee, or customer (including receipt of real time data by a dispatcher or interlocking operator indicating a rule violation). In order for the event to be considered as observed in real time, the employee must be informed, or attempted to be informed, of the observed violation by a WMATA supervisor as soon as possible, but not to exceed **4 hours** from the time of the observation.

8. In addition, the following specific events do not qualify for protection under the close call safety reporting system:

    a. Station overrun of more than one door leaf

    b. Exceeding the limits of an absolute or permissive block

    c. Red Signal Violation by train or work equipment

    d. Wrong Side Door Opening

    e. An employee is not exempt from discipline for a violation that WMATA identifies contemporaneously (e.g., a vehicle (maintenance/revenue) passes a red signal

without proper authorization and the control point (ROCC/Interlocking Operator) notices it before the vehicle completely clears the associated switch) before the employee files a close call report. In such situations, WMATA may use event recorder information to support discipline. For example, a WMATA official who observes a revenue or maintenance vehicle operate past a signal that requires a stop may use any relevant data recorded by the train's event recorder in pursuing disciplinary action against the employee(s), regardless of whether he/she/they timely file a close call report.

Other than what is stated above, there are no other changes to WMATA's disciplinary policies or procedures.

10. Use of Data

All participants in the Close Call Pilot Project agree to use the information they acquire only for the purposes described in this MOU. Data collected by BTS under this MOU may only be used for statistical purposes. All confidential micro-data, including PRT input on root causes and corrective actions, collected or generated as part of the close call process will not be used to discipline or disqualify an employee for the reported covered behavior, to develop rules or regulations, to initiate enforcement actions, or for any other non-statistical purpose. BTS will make confidential data available to the PRT to perform tasks associated with the design, implementation and monitoring of the problem identification and corrective actions processes as well as to support the design and implementation of communications sharing within the WMATA organization and the public domain. Access to confidential information will be granted in accordance with the BTS Confidentiality Manual and this MOU.

Data and information developed through the close call process deemed by BTS to be publicly releasable will be made available to interested parties in accordance with pertinent provisions in this MOU and BTS confidentiality requirements. Before releasing any project work products (such as, Annual or Quarterly Reports, Newsletter articles, web postings, etc.), BTS will coordinate with the PRT and with WMATA's Close Call Steering Committee (CCSC) in an effort to assure consistency in the work products and other project documents placed in the public domain.

This information may be used to develop new or modified training programs, assess risk and allocate resources to address those risks, and learn why these reported unsafe events are taking place. WMATA and ATU may use any publicly releasable information to perform their safety oversight role, including disseminating important safety information to WMATA employees and developing safety and enforcement tools (including regulations) to address widespread safety concerns.

11. Preventative Safety Actions

Preventative safety actions are the actions taken by WMATA in response to the PRT's reports of emerging trends and new types of safety-critical events.[3]

12. Stakeholders' Responsibilities in Support of the MOU

The rights, roles, and responsibilities set forth in this MOU apply only to participants in the Close Call Safety Reporting Pilot Project.

There are three primary stakeholder organizations that will be involved in the pilot project: WMATA, L689, and BTS.

1. **WMATA** is the transit agency participating in the Close Call program. Provides funding and resources for the Close Call program and works with the other stakeholders to implement it. Reviews PRT reports, accepts recommendations, takes preventative safety actions, tracks results of actions, and evaluates program.

2. **L689** is the labor organization that represents employees who are eligible to participate in the Close Call program.

3. **BTS** is a federal statistical agency within the US Department of Transportation that serves as an independent third party that collects, analyzes, and maintains the confidential close call data collected for WMATA. Identifies safety trends and emerging risks and writes and distributes publications to share this information with participants and the transit industry.

12.1   BTS' responsibilities in support of the MOU

A. Confidentiality Operations
1. Provide confidentiality for close call reports, any information generated as a part of the close call process (e.g., BTS interview data, close call incident reports, PRT MCIA work products).
2. Liaison with WMATA, ATU, and other groups regarding the data, data systems, and data confidentiality.
3. Develop the Confidentiality Procedures Manual for the transit close call project. It covers the following topics:
   a. data management plan, including data storage procedures, and data distribution method and schedule,
   b. data security protocol,
   c. IT system security plan,
   d. process and protocol for data review,

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[3] For the reporting system to be successful preventative safety actions must be implemented or no improvement will occur. Since the close call reporting system is not directly concerned with the internal operations of WMATA, it will not be possible to demonstrate a direct causal link between specific close calls reported and preventative safety actions taken by WMATA. However, it may be possible to show an association between emerging patterns or trends in close calls and relate those to preventative safety actions taken by WMATA.

e. process and protocol for the review, production, and dissemination of the Annual Report, and other data products,

f. establishment of a Disclosure Review Board (DRB), and

g. development of confidentiality training curriculum and materials;

4. Provide confidentiality training to PRT members and BTS staff.

5. Responsible for securing OMB approval for all data collections related to this project.

B. Program Planning and Implementation

1. Design the BTS business process for receiving and processing close calls reported by WMATA employees. This includes developing processes and procedures for data collection, data processing, data analysis, and data dissemination;

2. Coordinate with WMATA and the Close Call Steering Committee on the development of tools and processes used in the collection and processing of close call information. Tools and work processes include the following:

    i. Form used for reporting close call incidents,

    ii. Process and protocol for conducting interviews with reporting employees;

    iii. Standardized interview tool,

    iv. Process for data exchange (such as redacted reports, analyses and information on PRT work product),

    v. Special Reports and other products (i.e., quarterly and annual reports);

3. Develop job descriptions and requirements for project support staff, including transit safety experts, data analysts, IT specialists, and research assistants;

4. Develop a plan for setting up the Peer Review Team (PRT), including roles and responsibilities of team members, eligibility and selection criteria, tenure, and replacement protocol;

5. Develop templates for data products to be released in the public domain;

6. Establish contract support needed to operate the reporting system;

7. Assist WMATA staff in the development communication and outreach materials on close call reporting;

8. Develop training materials on WMATA's close call reporting program for training the trainers at WMATA; and train the trainers at WMATA;

9. Guide and assist WMATA's trainers in the rollout of the close call reporting program at local project sites;

10. Develop the BTS Operations Manual, including a process for rigorous quality assurance of data input and output;

11. Develop technical requirements for an IT system that supports the WMATA close call project;

12. Develop process and technical requirements for data exchanges and system interfaces with existing data systems at WMATA;

13. Customize the existing BTS C³RS IT system to meet the technical requirements of WMATA's close call project. This includes implementation of system interfacing with WMATA's data systems, as needed;

14. Develop custom made analytical tools to facilitate analysis of emerging patterns of safety issues and reporting trends.

15. Develop a training curriculum on Multiple Cause Incident Analysis (MCIA) for PRT members, BTS staff, and other interested stakeholders;

16. Train the PRT in Multiple Cause Incident Analysis;

17. Train BTS' team (Feds and contractors) on WMATA's close call project;

18. Develop analytical tools for identifying and presenting patterns and trends of close call reporting;

C. Reporting System Operations

1. Process incoming close call reports to ensure accuracy and compliance with the MOU;

2. Conduct employee interviews to collect additional details about the reported event, and finalize data quality review;

3. Perform preliminary root cause analysis on single and multiple cases;

4. Prepare monthly project status reports for WMATA;

5. Perform quarterly system-wide data quality evaluation and data validation; Present results to the Close Call Steering Committee;

6. Summarize emerging trends and corrective actions in quarterly briefings to the Close Call Steering Committee;

7. Write an annual report describing the status of the Close Call system, any modifications made and lessons learned to date; describe emerging trends and recommended solutions; distribute report to all participants in the Close Call Project.

8. Maintain an archival system of all project data and information, including MCIA records and other data generated by the PRT;

9. Track status of project deliverables and share results with PRT and the Close Call Steering Committee quarterly.

10. Maintain and update the PRT Handbook of Operations, as needed.

11. Analyze data collected through close call reports, interview data, the data collected through the MCIA tool on contributing factors and root causes, recommended corrective actions and relevant WMATA data on exposure (to provide a denominator). BTS will use these data to identify trends in the types of events that occur over time. The focus here is on problem identification. BTS will also identify trends in contributing factors and root causes, and evaluate the effectiveness of corrective actions on close

call reporting using appropriate covariate data. Results from such analyses will appear in Special Reports, as appropriate.

12. Assess the association between emerging patterns of safety issues and/or reporting trends in close calls and relate those to safety preventative actions taken by the WMATA.

13. Manage contract support needed to operate the reporting system, including:
    a) Provide annual budget, monthly project reports, including status of funding expenditures and projected outlays; and,
    b) Hire and manage staff (provide training and oversight).

D. Production of Close Call System Products for the Public Domain

1. Produce an annual report describing the status of the Close Call system, any modifications made and lessons learned to date; describe emerging trends and recommended solutions;
2. Prepare special reports, as appropriate.

E. Interacting with the Peer Review Team

1. Work with the PRT to develop the Handbook of Operations (HO) for the PRT;
2. Maintain and update the PRT HO, as needed.
3. Plan and host PRT meetings;
4. Serve as an active member on the PRT responsible for the following:
    a. present results of preliminary root cause analyses,
    b. respond to inquiries from the PRT, such as clarification of incident reports, confidentiality issues, etc.,
    c. collect and store results of PRT's work, and
    d. present and discuss reports on data analysis, trend analysis, and data quality evaluations conducted by BTS;

F. General

1. Prepare monthly project status reports for WMATA.
2. Provide WMATA or other stakeholders various statistical analyses of data submitted to the close calls reporting systems or other data sets related to transit safety, as needed.
3. Prepare briefing papers and other presentation materials about the project.
4. Track status of project deliverables and share results with PRT and the Close Call Steering Committee.
5. Coordinate with PRT and/or WMATA and ATU on any new requirements for the Close Call Report form, structured interview questions, MCIA tool and other upgrades to electronic tools (e.g., data analysis tools).

12.2 WMATA's responsibilities in support of the MOU

WMATA has the following responsibilities:

1. Commit to the use of this reporting system at all levels of the organization.

2. Consult on the high-level implementation plan and allocate funding each year dedicated to implementing preventative safety actions.

3. Assist in explaining the close call reporting system to employees as the program is initiated and providing ongoing training and communication to employees.

4. Appoint two primary WMATA representatives and four alternates to participate on the PRT to analyze and summarize emerging trends as well as to recommend preventative safety actions.

5. Senior management and supervisors cannot preempt their respective PRT representative's decision-making discretion for an event reported.

6. Stay "at arm's length" from individual close call report data.

7. Not seek any information that might reveal the identity of employees or violate data disclosure requirements as defined in this document and the Confidentiality Procedures Manual.

8. Take preventative safety actions in a timely manner.

9. Report preventative safety actions taken to other stakeholders.

10. Develop a communication plan for sharing findings with employees as an important means to achieve success in this pilot program

11. Monitor implementation of the MOU in cooperation with all other signatories.

12.3 ATU Local 689's responsibilities in support of the MOU

1. Commit to the use of the close call safety reporting system at all levels of the organization.

2. Consult on the high-level implementation plan.

3. Appoint two primary and four alternate representatives to participate on the PRT to analyze and summarize emerging trends as well as to recommend preventative safety actions.

4. Monitor implementation of the MOU in cooperation with all other signatories.

5. Assist in explaining the close call reporting system to employees as the program is initiated and providing on-going training and communication to union members.

6. Officials or Executive Leadership cannot preempt their respective PRT representative's decision-making discretion for an event reported.

12.4   Peer Review Team's responsibilities in support of the MOU

The PRT consists of two individuals from WMATA and ATU Local 689, and one representative from BTS, to represent the stakeholder's perspectives in forming a comprehensive view of close call events. The PRT will meet at a minimum on a quarterly basis. Their primary responsibilities include the following:

1. Makes final determination of eligibility in cases given provisional acceptance by BTS.
2. Review BTS' recommendation on preliminary root causes of reported close call incidents.
3. Analyze summarized data from multiple reports on emerging trends of safety concerns;
4. Assess the association between emerging patterns or trends in close calls, relate those to preventative safety actions to be taken by WMATA, and advise on implementation;
5. Review and discuss a summary report comprised of the individual close call reports generated from the Close Call Safety Reporting System, emerging trends, identified root causes, and suggested preventative safety actions;
6. Review and discuss all project reports (Annual, Quarterly, Special Reports, etc.) prior to dissemination.

The PRT will function using, but not be limited to, the following guidelines:

1. The PRT can conduct business only when a quorum is present. A quorum exists when all designated representatives, or their alternates, are present. The designated representative will name an alternate to act when the designated representative is unable to attend;

2. The primary stakeholders on the PRT are encouraged to consult with their constituents and/or industry experts for guidance on complex or sensitive matters, where more information is desired to make an informed decision.

3. The PRT will conduct its own root-cause analysis, driven by the risk data (and a preliminary root-cause analysis) provided by BTS;

4. Each representative is empowered to offer possible sources of risk, error recovery mechanisms, and preventative safety actions. Diverse perspectives are expected and encouraged. The PRT's opinions reflect a collaborative decision-making process among all PRT representatives;

5. The PRT makes its decisions using "consensus" when assigning root causes and proposing preventative safety actions. Consensus means the voluntary agreement of all representatives. It does not require that all members believe that a particular decision is the best one. Instead, all representatives' positions are given a proper hearing and are addressed, and a decision is one that all can accept;

6. The PRT members will receive training in data confidentiality and sign non-disclosure agreements with BTS;

7. The PRT will not disclose any information that would make it possible to identify the reporting employee(s) mentioned in the close call report;

8. The PRT will meet at the offices of BTS to ensure the confidentiality of any reported close call data.

13. Modifications

While the MOU is intended to be permanent for the period of performance, WMATA and L689 reserve the right at any time, and from time to time, by written agreement, to modify or amend, in whole or in part, any and all sections of this MOU.

14. Project Duration

This MOU is in effect for three (3) years from the date of execution, with two one year options, which may be exercised by written agreement of the participants no later than 90 days prior to expiration of the three year term, or in the case of the second option year, no later than 90 days prior to the expiration of the first option year.

Participants in the project may terminate their participation in the project at any time by providing the parties with 90 days notice.

Termination or modification of this agreement should not adversely affect anyone who acted in reliance on the terms of this MOU if it was in effect at the time of that action; i.e., when a particular project is terminated, all reports and investigations that were in progress should be handled under the provisions of the program until they are completed. If significant disputes arise between any of the signatory parties regarding the implementation of the terms of the MOU, the parties will meet in an attempt to resolve their differences.

This is a pilot program. If the program is determined to be successful after a comprehensive review and evaluation, the parties intend that it will be the basis for a continuing program, although not necessarily funded solely by WMATA.

15. Funding

Continuation of work under the Close Call Safety Reporting Pilot Project is contingent on the future availability of WMATA funds.

16. Responsible Officials

The officials responsible for signing this MOU are the WMATA's General Manager/Chief Executive Officer, the President/Business Agent of ATU/Local 689, and the BTS Director.

When top leadership changes in any of the participating organizations, it is expected that outgoing managers should ensure that their successors understand the value of this program.

17. Glossary Of Terms

Amalgamated Transit Union, Local 689 (ATU): Labor organization that represents employees in the DGMO and IT directorates who are eligible to participate in the Close Call Program. Eligible ATU employees include those working in Rail Transportation (RTRA) and Transit Infrastructure and Engineering Services (TIES), and in the classification of Integrated Network Technician. Member of the Close Call Steering Committee and the Peer Review Team.

Bureau of Transportation Statistics (BTS): BTS is a federal statistical agency within the US Department of Transportation that serves as an independent third party that collects, analyzes, and maintains the confidential close call data collected for WMATA. BTS also identifies safety trends and emerging risks and writes and distributes publications to share this information with WMATA participants and the transit industry.

Close Call: A situation or circumstance that had the potential for safety consequences, but did not result in an adverse safety event.

It can be any safety concern that could lead to an unsafe event or condition, or any event that is perceived as potentially endangering one's own safety or someone else's safety at work, including employees, contractors, or the public. It can also relate to equipment or the environment. Knowledge about a close call presents an opportunity to improve safety practices and culture.

Close Call Steering Committee (CCSC): Developed and oversees implementation of the Close Call Program. Includes representatives from program stakeholders (WMATA, ATU, BTS) and oversees the Close Call Program. Developed the program's Memorandum of Understanding. Coordinates with BTS and PRT to ensure consistency in the work products and other project documents.

Confidential Information Protection and Statistical Efficiency Act (CIPSEA): The most relevant statute which governs BLS confidentiality is the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) (PDF). This statute prohibits disclosure or release, for non-statistical purposes, of information collected under a pledge of confidentiality. Under CIPSEA, data may not be released to unauthorized persons. Willful and knowing disclosure of protected data to unauthorized persons is a felony punishable by up to five years imprisonment and up to a $250,000 fine.

Deputy General Manager, Operations (DGMO): Directs the daily operation of the Metrorail and Elevators and Escalators and manages the Metro Capital Improvement Program. ATU-represented and frontline supervisory employees of DGMO's organization are participants in the Close Call Program. Via participation on the CCSC, directs program implementation and provides budget for the program. Reviews and accepts PRT's recommendations for preventative safety actions and provide oversight for and direct implementation of approved preventative safety actions. In partnership with SAFE, tracks preventative safety actions taken in response to close call events.

Peer Review Team (PRT): The PRT consists of representatives from WMATA rail and transit infrastructure management, union officers and members, WMATA Safety, and BTS. It promotes the Close Call Program at WMATA, identifies why close calls occur, recommends preventative safety actions, and evaluates the effectiveness of any such action that was implemented.

Safety Department (SAFE): Ensures that WMATA's rail, bus and paratransit systems and other facilities are operationally safe and environmentally sound for all our employees, customers and surrounding communities. Manages and/or complies with policies and procedures in the areas of system safety, occupational safety and health, accident and incident investigation, the continuous hazard management process, internal safety audit process, oversight of construction safety, safety and security certification, environmental management, safety data and analysis, industrial hygiene, safety training, corporate safety programs, and corporate quality assurance. In partnership with DGMO, tracks preventative safety actions taken in response to close call events.
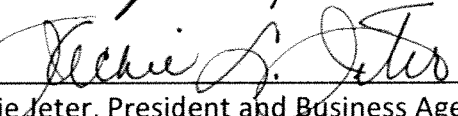
Washington Metropolitan Area Transit Authority (WMATA): Transit agency participating in the Close Call program. WMATA works with the other stakeholders to implement the Close Call Program, review PRT reports, and take preventative actions in response to close call events.
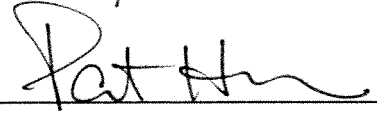
18. Signature Page

The parties signing below support this Memorandum of Understanding and the principles of a Confidential Close Call Transit Safety Reporting System.

BY: _____

Richard Sarles, General Manager and Chief Executive Officer
Washington Metropolitan Area Transit Authority
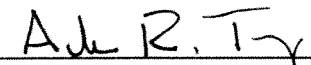
DATE: May 2, 2013

BY: _____

Jackie Jeter, President and Business Agent
Amalgamated Transit Union, Local 689

DATE: 4/30/2013

BY: _____

Patricia Hu, Director,
Bureau of Transportation Statistics
Research and Innovative Technology Administration
U.S. Department of Transportation

DATE: 5/2/2013

BY: _____

A. Robert Troup, Deputy General Manager of Operations
Washington Metropolitan Area Transit Authority

DATE: 4/19/2013

BY: _____

James Dougherty, Chief Safety Officer
Washington Metropolitan Area Transit Authority

DATE: 4/19/2013

Appendix A: Examples of Unsafe Events That Could Qualify For Confidential, Non-Punitive, Close Call Safety Reporting at WMATA

1. Station overrun of one door leaf or less

2. Split switch incidents

3. Speeding events

4. Improper flagging

5. Failing to blow the horn when required

6. Operating on the wrong track

7. Operating beyond authorized limits

8. Failure to protect adjacent track when necessary for safety

9. Non-compliance with roadway worker protection rules

10. Third rail or power-related incidents

11. Entering onto Roadway without following proper procedures

Appendix B: L689 Positions Eligible for Protection from Discipline in the Close Call Safety Reporting System pilot project

<u>Dept/Office</u>		<u>Position</u>
DGMO	Operations Management Services	- APPREN,LVL 1 ELE/ESC - APPREN,LVL 2 ELE/ESC - APPREN,LVL 8 ELE/ESC - MAINTENANCE TRAINEE TSSM -C - MAINTENANCE TRAINEE TSSM, AA - OPER TRAINING CLK
RTQT	Rail Transportation Quality and Training	- OPER TRAINING CLK - STATION MANAGER - TRAIN OPERATOR
RTSC	Rail Transportation Scheduling	- COMPILER - RAIL COMPILER - SENIOR RAIL COMPILER
RTTO	Train Operations	- DEPOT CLERK - INTERLOCKING OPERATOR - RAIL DIVISION CLERK - STAT SUPP RUN (RAIL) - STATION MANAGER - TRAIN OPERATOR
CENV	Chief Engineer-Vehicles	RAIL MAINTENANCE CLERK
CMNT	Car Maintenance	- CLEANER - MECH A - MECHANICAL - MECH A CTEM - MECH A ELECT-CMNT - MECH A ELECTRONIC - MECH A HVAC-RAIL - MECH AA - MECHANICAL - MECH AA CTEM - MECH AA ELECT-CMNT - MECH AA ELECTRONIC - MECH AA HVAC-RAIL

Dept/Office		**Position**

- MECH AA MACHIN-RAIL
- MECH B - MECHANICAL
- MECH B ELECT-CMNT
- MECH B ELECT-RAIL
- MECH B ELECTRONIC
- MECH B HVAC-RAIL
- MECH C - MECHANICAL
- MECH C ELECT-CMNT
- MECH C ELECTRONIC
- MECH C HVAC-RAIL
- MECH C MACHIN-RAIL
- MECH HELP - MECHANIC
- MECH HELP ELECT-CMNT
- MECH HELP HVAC-RAIL
- MECH HELPER ELECTRON
- MECH HELPER MACH-R
- MECH HLP A PI RCAR
- MECH HLP B PI RCAR
- MECHANIC AA LEAD CTEM
- MECHANIC AA LEADMAN
- MECHANIC B CTEM
- MECHANIC C CTEM
- MECHANIC HELPER CTEM
- OPER MNTN CLERK

ELES   Elevator and Escalator

- ELES MATERIAL SPECIALIST
- ESC/ELE JOURN TECH
- FACILITIES MNTN CLK
- MASTER ESC/ELE TECH
- TRUCK DRIVER A PLNT
- TRUCK DRIVER D PLNT
- WELDER AA PLNT

PLNT   Plant Maintenance

- BOILER/CHILLER OP AA
- CARPENTER AA - PLNT
- CARPENTER B - PLNT
- CARPENTER C - PLNT
- CARPENTER D - PLNT
- CLEANING MACHINE OP
- EQMT OPER A TRST
- EQMT OPER AA PLNT

Dept/Office	Position
	• EQMT OPER C PLNT
	• EQMT OPER LEAD PLNT
	• FACILITIES MNTN CLK
	• FIRE EQMT TECH AA-PL
	• FIRE EQMT TECH C-PLT
	• FIRE EQMT TECH D-PLT
	• FIRE EQMT TECH LEAD
	• GARDENER A - PLNT
	• GARDENER AA - PLNT
	• GARDENER B - PLNT
	• GARDENER C - PLNT
	• GARDENER D - PLNT
	• GEN EQMT MECH A PLNT
	• GEN EQMT MECH AA PLT
	• GEN EQMT MECH B PLNT
	• GEN EQMT MECH C PLNT
	• GEN EQMT MECH D PLNT
	• GEN EQMT MECH LEAD
	• HVAC PLNT TECH AA
	• HVAC PLNT TECH LEAD
	• HVAC/REF EQT MECH AA
	• HVY CLN EQ OP A-PLNT
	• HVY CLN EQ OP B-PLNT
	• HVY CLN EQ OP C-PLNT
	• HVY CLN EQ OP D-PLNT
	• INDUSTRIAL CONTROL TECH AA
	• INDUSTRIAL CONTROL TECH AA L
	• INDUSTRIAL CONTROL TECH B
	• JANITOR
	• JANITOR - RELIEF
	• LOCKSMITH AA PLNT
	• LOCKSMITH B PLNT
	• LOCKSMITH LEAD PLNT
	• MACHINIST AA PLNT
	• MASON AA - PLNT
	• MASON B - PLNT
	• MASON C - PLNT
	• MASON D - PLNT
	• MASON LEAD PLNT
	• MECH AA CTEM
	• MOBILE LIFT MECH AA
	• PLUMBER AA PLNT

Dept/Office		Position
		- PLUMBER LEAD PLNT
		- SHEET MET TEC AA PLN
		- SHEET MET TEC C PLNT
		- SHEET MET TEC D PLNT
		- SIGN FAB AA-PLNT
		- SIGN FAB C-PLNT
		- SML ENG MECH A PLNT
		- SML ENG MECH AA PLNT
		- SML ENG MECH B PLNT
		- SML ENG MECH D-PLNT
		- SUPPORT SERVICES CLK
		- SURF FINI LEAD PLNT
		- SURF FINISH AA-PLNT
		- SURF FINISH B-PLNT
		- SURF FINISH C-PLNT
		- SURF FINISH D-PLNT
		- TRACK REPAIR AA TRST
		- TRACK REPAIR PLNT-G
		- TRUCK DRIVER AA
		- TRUCK DRIVER AA PLNT
		- TRUCK DRIVER B PLNT
		- TRUCK DRIVER C PLNT
		- TRUCK DRIVER D PLNT
		- VEHICLE LIFT MECHANIC AA
		- VEHICLE LIFT MECHANIC AA LEAD
		- WELDER AA PLNT
		- WELDER D PLNT
		- WELDER LEAD PLNT
		- WINDOW WASH A PLNT
		- WINDOW WASH AA PLNT
		- WINDOW WASH B PLNT
		- WINDOW WASH D PLNT
SMNT	Systems Maintenance	- MATERIAL CONTROL CLK
		- MATERIAL HANDLER (G)
		- MECH A AFCS TECH
		- MECH A ATC TECH
		- MECH A ELC MTN & TST
		- MECH A ELCL PWRHV
		- MECH A ELCN PWRLV
		- MECH A GEN COM IN/RP
		- MECH AA AFCS TECH

Dept/Office		Position
		• MECH AA APLE TECH
		• MECH AA ATC TECH
		• MECH AA EL MTN & TST
		• MECH AA ELC BNCH TCH
		• MECH AA ELCL PWRHV
		• MECH AA ELCN PWRLV
		• MECH AA ELECT-RAIL
		• MECH AA EL-MECH TECH
		• MECH AA ELRC TCH COM
		• MECH AA FLD EQMT TCH
		• MECH AA LOCKSMITH
		• MECH AA MBUS RAD TCH
		• MECH AA PARK MET SER
		• MECH B AFCS TECH
		• MECH B ATC TECH
		• MECH B ELC MTN & TST
		• MECH B ELCL PWRHV
		• MECH B ELCN PWRLV
		• MECH B GEN COM IN/RP
		• MECH B LOCKSMITH
		• MECH C AFCS TECH
		• MECH C ATC TECH
		• MECH C ELC MTN & TST
		• MECH C ELCN PWRLV
		• MECH C ELECT-PWRHV
		• MECH C GEN COM IN/RP
		• MECH HELP ELC M&TST
		• MECH HELP ELEC BNCH
		• MECH HELP ELEC PWRHV
		• MECH HELPER AFCS
		• MECH HELPER ATC
		• MECH HELPER GEN COM
		• MECH HELPER PWRLV
		• PARTS RUNNER
		• PLE MECHANIC AA
		• PLE MECHANIC HELPER
		• SYSTEMS MNTN CLERK
SRML	Storerooms and Material Logistics	• CMNT INVENTORY PARTS SPEC
		• FACILITIES MNTN CLK
		• PRMT INVENTORY PARTS SPEC
		• STOREROOM CLERK A

Dept/Office		**Position**
TRST	Track and Structures	- EQMT OPER A TRST - EQMT OPER AA TRST - EQMT OPER B TRST - EQMT OPER C TRST - EQMT OPER D TRST - FACILITIES MNTN CLK - LABORER, 0689 - MACHINIST AA PLNT - MECH AA CTEM - STRUC EVAL TECHNICIAN AA - STRUC EVALUATION TECHNICIAN A - STRUCT REP AA-TRST - STRUCT REP A-TRST - STRUCT REP B-TRST - STRUCT REP C-TRST - STRUCT REP D-TRST - STRUCT REP LEAD-TRST - SUPPORT SERVICES CLK - TRACK REPAIR A TRST - TRACK REPAIR AA TRST - TRACK REPAIR B TRST - TRACK REPAIR C TRST - TRACK REPAIR D TRST - TRACK REPAIR PLNT-G - TRACK WALKER A PLNT - TRACK WALKER AA PLNT - TRACK WALKER B PLNT - TRACK WALKER C PLNT - TRACK WALKER D PLNT - TRUCK DRIVER A PLNT - WELDER A - TRST - WELDER AA - TRST - WELDER B - TRST - WELDER D – TRST
IT/APPS	Applications Development and Operations	RAIL OPERATIONS SYS TECHNICIAN
IT/CAP	Capital	- INT NETWORK TECHNICIAN C - INT NETWORK TECHNICIAN D

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Dept/Office		**Position**
IT/NCS	NCS Integrated Network	▪ INT NETWORK TECHNICIAN A
		▪ INT NETWORK TECHNICIAN AA
		▪ INT NETWORK TECHNICIAN B