



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES

MAURA T. HEALEY
GOVERNOR

KIMBERLEY DRISCOLL
LIEUTENANT GOVERNOR

REBECCA L. TEPPER
SECRETARY OF ENERGY
AND ENVIRONMENTAL AFFAIRS

ONE SOUTH STATION
BOSTON, MA 02110
(617) 305-3500

JAMES VAN NOSTRAND
CHAIR

CECILE M. FRASER
COMMISSIONER

STACI RUBIN
COMMISSIONER

April 11, 2024

VIA ELECTRONIC MAIL

Phillip Eng, General Manager
Massachusetts Bay Transportation Authority
10 Park Plaza, Suite 5610
Boston, MA 02116

Re: DPU's 2023 Triennial Audit of MBTA's Agency Safety Plan and Implementation

Dear Mr. Eng:

The Department of Public Utilities ("DPU"), as the State Safety Oversight Agency for rail transit (subway lines) in Massachusetts, has completed a Triennial Audit of the Massachusetts Bay Transportation Authority's ("MBTA") Public Transportation Agency Safety Plan and its implementation. The Triennial Audit is a requirement of 49 C.F.R. § 674.31 and 220 CMR 151.10(2). DPU has prepared the attached Final Triennial Audit Report.

During the audit, DPU conducted site visits, meetings, interviews, and document reviews in the fall of 2023. The DPU recognizes that there is a degree of overlap between DPU's findings and recommendations, the Federal Transit Administration's ("FTA") Special Directives associated with the Safety Management Inspection ("SMI"), and MBTA's extensive work to address FTA's Special Directives. Given the fact that this triennial audit period (2021-2023) covers much of the same period as FTA's SMI, and the breadth of MBTA's responsibilities and the interconnectedness of the subway system and activities, overlap is unavoidable. Where there is overlap, DPU and FTA will work together to maximize the efficiency of the process and clearly communicate expectations to MBTA.

DPU provided a draft Triennial Audit to MBTA on March 18, 2024, for its review and comment. DPU appreciates the MBTA submitting comments on the draft audit report to DPU on

April 1, 2024. MBTA's comments are added as an attachment to the audit report. DPU has integrated many of MBTA's comments into this final report and provided additional clarity in sections where references were made to the FTA Safety Management Inspection.

Pursuant to 220 CMR 151.07, please provide a corrective action plan ("CAP") for each of the 22 Findings within 60 days of this letter. The MBTA may submit a prioritization plan for CAP development, for DPU review and approval, to ensure that the highest priority CAPs are proposed and reviewed first. For each of the Recommendations, MBTA must submit either written responses or CAPs. For the Recommendations, please submit a schedule within 30 calendar days of the date of this audit report that proposes the timing and sequence of MBTA's responses and/or CAPs on the Recommendations.

Please contact me if you have any questions.

Sincerely,



Robert N. Hanson
Director
Rail Transit Safety Division

Encls:

cc:

J. Van Nostrand, DPU
S. Rubin, DPU
D. Carvalho, DPU
I. Limlengco, DPU
R. Bell, DPU
K. Choe, MBTA
M. Sandberg, MBTA
T. Lesniak, MBTA
J. DeLorenzo, FTA
P. Butler, FTA
J. Powell, FTA
R. Tepper, EEA
M. Judge, EEA
M. Tibbits-Nutt, MassDOT
H. Morrison, MassDOT
P. Lavin, MassDOT