

MassDOT Chief Safety Officer Report

Patrick Lavin

September 20, 2023



Chief Safety Officer Background

- Patrick Lavin began work as Chief Safety Officer for MassDOT on May 8, 2023
- Provide Executive Level safety oversight
- Interfaces with:
 - MassDOT Agencies & MBTA
 - State and Federal oversight bodies (DPU, FRA, FTA, FAA, NTSB, etc.)
- 40+ Years transit industry experience
 - Operations experience in Signals - APTA Signals & Communications Working Group member
 - NYC Transit – agency lead incident investigator
 - WMATA - Chief Safety Officer
 - Senior Safety Consultant – Technical writer and SME for the MBTA Safety Review Panel report in 2019
- Masters Degree in Transportation & Management



NTSB Preliminary Incident Report: Middlesex Corp Employee Fatality

- Great Barrington, MA. –at 10:05 AM – August 4, 2023
- A Middlesex Corporation track construction employee, performing maintenance of way work, was struck by a Rail Maintenance Machine being operated in reverse.
- The Berkshire Line is operated by Housatonic Railroad Company, and owned by MassDOT
- NTSB investigation is ongoing
- MassDOT is a party to the NTSB investigation, as such, we are limited in what we can publicly discuss.
- NTSB: National Transportation Safety Board, an independent federal agency charged with investigating accidents and significant events in transportation



FAMES alert issued on August 7, 2023



August 7, 2023

FAMES ALERT

PLEASE POST IMMEDIATELY

August 4, 2023: At approximately 11:00AM EST, a Roadway Maintenance Machine (RMM) was traveling in a north direction when it struck and seriously injured a roadway worker. The injured employee was transported to a hospital by medevac and succumbed to his injuries later that day.

The work group was installing rail fasteners to complete the installation of Continuous Welded Rail (CWR) in the area. The operated machine was traveling to the site in a reverse direction with two people occupying the operating area. There were two roadway workers on the ground fouling the track. One of the two roadway workers on the ground at the accident site cleared from the track. The second worker was operating a leaf blower and remained in the foul of the track. The worker that remained clear shouted to the fouling employee to clear but ultimately, he didn't clear and was fatally injured.

Take Away

While this accident is still under investigation and we do not know the cause or circumstances leading up to the accident, FAMES would like to remind all roadway workers:

1. Each roadway worker must participate in and understand an On-Track Safety Briefing before fouling any track. The on-track protection must be appropriate for the job being performed.
2. Roadway workers are empowered to initiate a good faith challenge if they believe the on-track protection is insufficient or does not comply with operating and safety rules.
3. Anyone joining a work group or utilizing that work group's protection must participate in an On-Track Safety Briefing prior to fouling any track.
4. All members of the workgroup share responsibility to be observant of changing conditions or situations that affect their on-track safety and are empowered to request a re-briefing. Take the time to do it right!
5. Watchmen/Lookouts must focus their sole attention to the detection of approaching trains and equipment.
6. During the on-track safety briefing, the RWIC must identify the method that the Watchman/Lookout will use to indicate when it is safe for Roadway Workers to re-enter the foul of the track.
7. Maintain a safe distance between RMMs when traveling or working.
8. Establish clear communication and maintain proper clearance between RMM operators and workers on the ground.
9. During the on-track safety briefing, identify if RMMs will be present and take actions to manage any additional risks associated with their presence.
10. The On-Track Safety Briefing should be an interactive discussion between members of a roadway work group concerning their specific on-track protection. Active participation is essential to an effective On-Track Safety Briefing. **Ask questions! Voice concerns!**

The FAMES Committee consists of safety representatives from a cross section of rail labor, railroad management, and federal regulators. FAMES is a continuous improvement process that relies on the candid sharing of available data and the views of its participants. To enable the process, FAMES explicitly refrains from making any findings regarding whether any past or present practice or protocol satisfies any legal duty or standard of care.

The views, opinions, and recommendations contained in this report are those of the FAMES Committee and do not necessarily represent the views, opinions, or recommendations of any specific railroad, labor organization, or governmental agency.

Key Mitigations Instituted by Middlesex Corp:

- Company-wide safety stand-down with focus on backing accidents & working around equipment
- Revisions and retraining on backing policies
- Revised Job Hazard Analysis for backing activities
- Ensuring all Rail Maintenance Machines are equipped with front & rear facing cameras
- Revised site-specific Health and Safety Plan
- Added more experienced safety personnel to the project
- On September 11th, 2023 – MassDOT and the Housatonic Railroad Company approved work to resume.

Questions?