



U.S. Department  
of Transportation

**Federal Transit  
Administration**

Headquarters

1200 New Jersey Avenue, SE  
Washington, DC 20590

**SENT VIA EMAIL**

October 20, 2023

James M. (Jamie) Van Nostrand  
Chair  
Department of Public Utilities  
Commonwealth of Massachusetts  
One South Station  
Boston, MA 02110

**Subject: Special Directive 22-13, Finding 3 (Fatigue Management Assessment) Update**

Dear Mr. Van Nostrand:

I am writing to respond to the request made by the Massachusetts Department of Utilities (DPU) on July 28, 2023 for additional time to submit the required comprehensive fatigue management assessment of the Massachusetts Bay Transportation Authority (MBTA). The Federal Transit Administration (FTA) previously required this assessment in response to Finding 3 of Special Directive (SD) 22-13 which emphasized the need for DPU to validate MBTA's fatigue management approach for rail transit officials and maintenance and engineering personnel.

We appreciate the diligent efforts undertaken by DPU in response to our evaluation of the DPU's initial Fatigue Assessment Report for the MBTA dated April 28, 2023. We acknowledge that the DPU has been actively working with the MBTA to perform a forensic assessment of hours of service (HOS) compliance and fatigue management for engineering and maintenance employees and rail transit officials, covering the last 18 months. Following extensive discussions and a joint meeting with DPU and MBTA on October 9, 2023, FTA concurs with DPU's assessment that data currently available does not support the forensic analysis.

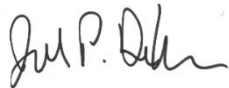
DPU has directed MBTA to capture, maintain, and assess data to ensure HOS compliance, to ensure that the data is accurate, and to utilize this data to identify and implement safety improvements. As noted during our October 9, 2023 meeting, this assessment is ongoing with results reported to DPU monthly. DPU has further required MBTA to implement an internal safety review program and monthly internal audit program that encompasses the HOS policies for each MBTA employee discipline. In addition to the HOS actions, DPU also compelled MBTA to implement a policy requiring contractors performing safety sensitive functions to meet the MBTA medical fitness for duty standards. Finally, DPU directed MBTA to conduct a hazard risk assessment to understand opportunities for engineering and maintenance work to be completed during daylight (off-peak hours) to utilize single track diversions.

FTA finds that these actions are comprehensive and address the concerns raised in Finding 3 of SD 22-13. These actions also promote improved data quality for monthly HOS compliance audits. Therefore, FTA is deferring the requirement for DPU to resubmit the Fatigue Management Assessment. Instead, FTA directs DPU to continue its current activities related to Fatigue Management and requires that the DPU provide FTA with a monthly progress report, charting the status of MBTA's activity in addressing the DPU's corrective actions. We request that you furnish us with this report by the 5<sup>th</sup> of each month for the previous month until further notice.

These reports will be crucial in overseeing the improvement of HOS compliance monitoring at MBTA and in enhancing MBTA's overall fatigue management. FTA is committed to collaborating with DPU, and we look forward to discussing the monthly progress reports during scheduled bi-weekly meetings, as appropriate.

Should you have any questions or require additional information, please contact our SMI Coordinator, Erin Powell, by phone at (771) 200-8016 or by email at [Erin.Powell@dot.gov](mailto:Erin.Powell@dot.gov).

Sincerely,



Joe DeLorenzo  
Associate Administrator and  
Chief Safety Officer  
Office of Transit Safety and Oversight

cc: Peter Butler, Regional Administrator, FTA Region 1  
Robert Hanson, Rail Safety Director, DPU