



U.S. Department
of Transportation

**Federal Transit
Administration**

Headquarters

1200 New Jersey Avenue, SE
Washington, DC 20590

SENT VIA EMAIL

April 19, 2024

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

Subject: Closure of FTA-DPU-23-002 (Oversight of Hazard Identification and Tracking)

Dear Mr. Van Nostrand:

On July 21, 2023, the Federal Transit Administration (FTA) issued a letter to the Massachusetts Department of Public Utilities (DPU) transferring the remaining open findings from FTA's 2019 State Safety Oversight (SSO) triennial audit to Special Directive 22-8.

DPU developed a Corrective Action Plan (CAP) to address the following finding and required action:

- **Finding:** DPU did not oversee and enforce the implementation of [the Massachusetts Bay Transportation Authority's (MBTA)] System Safety Program Plan (SSPP)¹ hazard identification and tracking procedures.
- **Required Action:** MDPU must submit and implement a process that ensures the MBTA identifies and tracks all hazards as outlined in the SSPP.

DPU's CAP contained five action items and was approved by FTA on October 20, 2023.

To implement this CAP, DPU undertook the following action (and submitted documentation regarding their completion):

- Updated its Program Standard Operations Guide to reflect its process to ensure MBTA identifies and tracks all hazards as outlined in the Agency Safety Plan and to ensure MBTA develops CAPs and/or safety risk mitigations as required.
- Provided evidence of meetings with MBTA on hazard tracking and on updated Program

¹ At the time of the 2019 SSO triennial audit, MBTA was operating under a System Safety Program Plan, per the requirements of the now-superseded 49 CFR part 659. In addressing the open findings, MBTA, DPU, and FTA substituted the Agency Safety Plan required under 49 CFR part 673, Public Transportation Agency Safety Plan, for any requirement related to the System Safety Program Plan.

Standard Operations Guide requirements.

- Assessed MBTA data to identify hazards categorized as “other” that should have been categorized differently and reported to MBTA on the results.
- Began procurement of consultant services to assist DPU with its oversight responsibilities, including those related to this required action.

Closeout Approval for FTA-DPU-23-002 (Oversight of Hazard Identification and Tracking)

FTA carefully evaluated the submitted documentation. FTA’s review focused on:

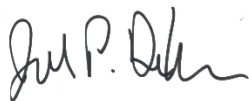
- The Program Standard Operations Guide language describing how DPU ensures MBTA identifies and tracks all hazards as outlined in the Agency Safety Plan and ensures MBTA develops CAPs and/or safety risk mitigations as required.
- Evidence of DPU carrying out the activities identified in the Program Standard Operations Guide.

FTA also considered joint oversight activities conducted with the FTA Safety Management Inspection (SMI) team over the previous two years as evidence that DPU is overseeing and enforcing the hazard identification and tracking procedures.

FTA’s review of DPU activities was solely for the purpose of assessing DPU's implementation of this CAP and focused exclusively on improvements required under Special Directive 22-8. As part of its separate, routine SSO triennial audit process, in calendar year 2024 FTA will assess DPU’s overall execution of an SSO program in compliance with 49 CFR part 674, State Safety Oversight, including a broader review of DPU’s actions to oversee safety at the MBTA.

FTA greatly appreciates your efforts. Please contact our Special Directive 22-8 Program Lead, Francis Alomia by phone at (470) 859-1677 or by email at Francis.Alomia@dot.gov with any questions.

Sincerely,



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

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