



U.S. Department
of Transportation

**Federal Transit
Administration**

Headquarters

1200 New Jersey Avenue, SE
Washington, DC 20590

SENT VIA EMAIL

September 5, 2023

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

Subject: Closure of Corrective Action Plans for Findings 1, 2, 3, and 4 Issued in Special Directive 22-8

Dear Mr. Van Nostrand:

On June 15, 2022, the Federal Transit Administration (FTA) issued [Special Directive \(SD\) 22-8, Required Actions to Address Findings from the Safety Management Inspection Conducted at the Massachusetts Bay Transportation Authority](#) to the Massachusetts Department of Public Utilities (DPU). This Special Directive (SD) requires DPU to oversee the implementation of the first four SDs that FTA issued to the Massachusetts Bay Transportation Authority (MBTA) to address immediate safety issues based on interim findings made during FTA's Safety Management Inspection (SMI). These SDs include:

- [SD 22-4, Track Maintenance](#)
- [SD 22-5, Vehicle Securement of Disabled Trains](#)
- [SD 22-6, Operations Control Center](#)
- [SD 22-7, Lapsed Certifications](#)

SD 22-8 Findings 1-4 required the DPU to demonstrate effective oversight processes and coordination with FTA to oversee the SDs listed above. Specifically, the findings required that:

- The DPU must independently review and assess the CAPs or other documentation received by the MBTA, as required based on the finding and action. The DPU must provide documentation to FTA that demonstrates how the DPU assessed and determined the CAP or documentation was sufficient to address the finding.
- The DPU must identify any existing findings and associated CAPs the DPU has already issued to the MBTA and must ensure that these findings and CAPs are deconflicted from the new findings issued due to each FTA Special Directive 22-4, 22-5, 22-6, and 22-7. FTA's

findings and subsequently approved CAPs supersede any prior inconsistent CAPs from the DPU.

- The DPU must provide to FTA an inspection and verification plan that outlines the processes and procedures the DPU will utilize to close each CAP.
- The DPU must provide to FTA a plan for the DPU to utilize its enforcement authority if MBTA fails to adequately address any approved CAPs.
- The DPU must attend the meetings FTA will hold with MBTA as a result of each FTA Special Directive 22-4, 22-5, 22-6, and 22-7

Closeout of DPU CAPs for SD 22-8, Findings 1-4

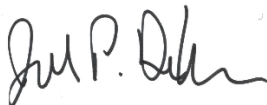
To implement the Corrective Action Plans (CAPs) for Findings 1-4, between the issuance of the Special Directive and August 11, 2023, DPU submitted documentation and completed activities demonstrating completion of FTA required actions for Findings 1-4 with the exception of an enforcement procedure, which is now being tracked under SD 22-13. Therefore, FTA finds, with the exception of the enforcement procedure, which is being tracked as part of DPU's response to SD 22-13, **DPU has completed the corrective action required for Findings 1-4 adequately to satisfy the requirements of Findings 1-4 of SD 22-8 and these four CAPs may now be closed.** FTA will continue to monitor DPU's oversight of MBTA's activities to address interim SMI findings.

SD 22-8 also requires DPU to fully address FTA's open non-compliant audit findings of DPU's State Safety Oversight (SSO) Program. Until these audit findings are addressed, the SD will remain open. Prior to closing SD 22-8, FTA may conduct a final verification regarding oversight activities for SD 22-4, SD 22-5, SD 22-6, and SD 22-7.

Conclusion

This closure of four CAPs represents a tremendous amount of work and progress for DPU. FTA greatly appreciates your efforts. Please contact our SMI Coordinator, Erin Powell, by phone at (771) 200-8016 or by email at Erin.Powell@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