



U.S. Department
of Transportation

**Federal Transit
Administration**

Headquarters

1200 New Jersey Avenue, SE
Washington, DC 20590

SENT VIA EMAIL

October 14, 2022

Mr. Steve Poftak
General Manager
Massachusetts Bay Transportation Authority
10 Park Plaza
Boston, MA 02116

Subject: Approval and Resubmittals Required for Corrective Action Plans in Response to Special Directive 22-9, Workforce Capacity

Dear Mr. Poftak,

Thank you and your team for submitting the Massachusetts Bay Transportation Authority's (MBTA) Corrective Action Plans (CAPs) for the Federal Transit Administration's (FTA) Special Directive (SD) 22-9, Workforce Capacity. The MBTA submitted these CAPs on time as required in SD 22-9, addressing [FTA's four \(4\) findings and four \(4\) required actions](#).

Approval of CAP for Finding 4

FTA finds that MBTA's approach to addressing Finding 4 in SD 22-9, which recommends that MBTA review the inspection and resident engineering resources needed to ensure compliance with MBTA safety rules through additional staffing, contractor resources, or a combination of approaches, adequately addresses FTA's recommended action. FTA approves this CAP for implementation.

Resubmission Required for Findings 1, 2 and 3

FTA requires resubmittal for portions of MBTA's CAPs for Findings 1, 2 and 3. Collectively, these three Findings require a workforce analysis and associated workforce planning, recruitment and hiring to ensure MBTA's capability to perform mission-critical operations, maintenance, capital project delivery and safety certification in a manner which ensures the safety of passengers, employees, contractors, and infrastructure.

As noted in the attached evaluation table, FTA has identified several areas where further information and clarification is needed including:

- the make-up, structure, roles and responsibilities, and resourcing of the working groups charged with overseeing and managing these CAPs;

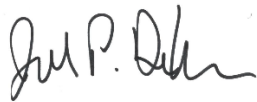
- MBTA's approach for collecting information from MBTA's frontline personnel and technical and executive leadership to support and inform the contractor's work for these CAPs;
- MBTA's approach for briefing MBTA's executive leadership team and the MBTA board and ensuring their ownership of the results of the contractor work managed by the designated working groups; and
- interim actions that MBTA may be taking to address non-compliance with existing safety procedures and plans discussed in FTA's findings.

FTA requests that MBTA revise and resubmit its CAPs for these three Findings to include the additional information requested in the evaluation table by no later than **Friday, November 4, 2022**.

Conclusion

We appreciate your efforts to enhance MBTA's safety performance, and we look forward to working with you and your team as the MBTA addresses these findings and required actions. Please contact our CAP Reviewer, Cyrell R. McLemore, by phone at (770) 200-8022 or by email at cyrell.mclemore@dot.gov, or our SMI Coordinator, Erin Powell, by phone at (770) 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
Jeffrey Gonneville, Deputy General Manager, MBTA
Erik Stoothoff, Acting Chief Operating Officer, MBTA
Ron Ester, Chief Safety Officer, MBTA
Katie Choe, Chief of Quality, Compliance and Oversight, MBTA
Elizabeth Cellucci, Director, Transportation Oversight Division, Massachusetts Department of Public Utilities

Corrective Action Plan (CAP) Evaluation Matrix
Special Directive 22-9: Managing the Impact of Operations, Maintenance and Capital Projects Requirements on the Available Workforce

Identification Number	Finding and Required Action	Proposed CAP Items	Proposed Due Dates	FTA Comments	MBTA Response (if needed)
<p>FTA-22-9-MBTA-CAT1-1</p>	<p><u>Finding:</u> MBTA’s staffing levels are not commensurate with the demand for human resources required to carry out current rail transit operations and maintenance in addition to executing capital program activities.</p> <p><u>Required Action:</u> MBTA must conduct and submit to FTA a workforce analysis and associated workforce planning to include:</p> <p>1. <i>Required activities that must be performed for rail transit operations, maintenance, and capital projects delivery:</i> A description of present and projected day-to-day requirements for rail transit operations, preventive and corrective maintenance, and capital project delivery through the next five fiscal years.</p> <p>2. <i>Required resources to perform mission-critical activities:</i> A description of the assignment of the</p>	<p>1. Develop a working group to lead consultant engagement for workforce assessment and five-year hiring plan: Establish a Workforce Assessment Working Group (WAWG) comprised of stakeholder groups that will work collectively to partner with, support, and oversee the consultant contracted to create the authority-wide workforce assessment and five-year hiring plan.</p>	<p>10/15/2022</p>	<p>Action Required</p> <p>FTA understands that the WAWG is designed to ensure MBTA’s ownership and direction for the contractor work solicited for this CAP. Before approving this CAP, FTA needs to better understand the membership of the WAWG, including any Administrative, Executive and Technical Leadership, Safety Department, QCOO, and Union/Frontline Team Members, roles and responsibilities and resourcing for the WAWG to oversee the CAP.</p> <p>Please provide additional information on the WAWG to address these items in the CAP. Also please include how frequently the WAWG will meet and anticipated meeting structure and length.</p> <p>Finally, to ensure agency ownership and buy-in, please also note how the WAWG will periodically brief Executive Leadership and the MBTA Board on SD 22-9 activities.</p> <p><u>Note:</u> Please ensure meeting agendas and action items are developed and tracked. FTA will</p>	

Corrective Action Plan (CAP) Evaluation Matrix
Special Directive 22-9: Managing the Impact of Operations, Maintenance and Capital Projects Requirements on the Available Workforce

<p>necessary human resources to support present and projected day-to-day requirements for rail transit operations, preventive and corrective maintenance, and capital project delivery through the next five fiscal years per the description above.</p> <p>3. <i>Current staffing capabilities for mission-critical activities:</i> The results of an assessment of MBTA's ability to safely operate, maintain, and complete capital project delivery for its rail transit system at current service levels of workforce.</p> <p>4. <i>Safety case for mission-critical activities that can be performed within current and projected resources over the next five fiscal years:</i> The identification of safety risk associated with current staffing shortages and how</p>	<p>2. Procure consulting services: Issue an RFP for consulting services to review industry best practices, define scope of required actions to support day to day operations, maintenance, and capital support, identify required resources to support identified activities, evaluate current staffing levels to support mission-critical activities, and perform a safety risk assessment. Scope will also include the hiring plan specified in SD 22-9 Finding 2.</p>	<p>11/10/2022</p>	<p>review as part of its verification activities.</p> <p>Action Item Approved</p>	
	<p>3. Strategic Planning Session: Conduct a strategic planning session for SD 22-9 Finding 1 CAP implementation with the WAWG identified in Actionable Item #1.</p>	<p>10/31/2022</p>	<p>Action Item Approved</p> <p><u>Note:</u> Please document strategic planning session results and submit to FTA as part of this Action Item.</p>	
	<p>4. Onboard consultant: Onboard selected consultant.</p>	<p>1/17/2023</p>	<p>Action Item Approved</p>	

Corrective Action Plan (CAP) Evaluation Matrix
Special Directive 22-9: Managing the Impact of Operations, Maintenance and Capital Projects Requirements on the Available Workforce

	they are or will be mitigated and any needed changes or reductions in activities.	5. Establish required activities and define key terms: Develop list of required activities that must be performed to support safe operations, maintenance, and capital project delivery. Establish and agree on the operational definitions of key terms, such as “mission-critical” and develop the criteria for assessing safety risk.	2/23/2023	Action Item Approved	
		6. Prepare and review first draft of workforce assessment: Consultant will prepare and deliver to the MBTA for review a first draft of the initial workforce assessment.	4/27/2023	Action Required Please include that the contractor will collect information from subject-matter expertise throughout the MBTA, including frontline and supervisory personnel, in developing the workforce assessment. Also, please clarify who within the MBTA will review and approve the draft and final workforce assessment and the role of the WAWG in supporting this activity. Action Item #10 clarifies that “MBTA leadership will formally sign off on the assessment.” Please clarify who “MBTA leadership” includes. Finally, for ultimate success, FTA believes that the MBTA Board also must understand and accept this	

Corrective Action Plan (CAP) Evaluation Matrix
Special Directive 22-9: Managing the Impact of Operations, Maintenance and Capital Projects Requirements on the Available Workforce

				assessment. Please indicate how they will confer their approval of this assessment.	
		7. Establish resource needs for mission- critical activities and current staffing capabilities for mission-critical activities: Consultant will complete and deliver to the MBTA a revised draft of the initial workforce assessment, establishing resource needs for mission-critical activities and assessing current staffing capabilities for mission-critical activities.	5/31/2023	Action Item Approved	
		8. Prepare and review first draft of safety risk assessment: Consultant will prepare and deliver to the MBTA a first draft of the workforce safety risk assessment for review by the MBTA.	7/31/2023	Action Required Clarify who at MBTA will review and approve the safety risk assessment (WAWG? Safety Department?) and how these reviews likely will be scheduled and managed (workshop or meeting?) and who has authority for final acceptance. Also, please clarify the role of the General Manager, Executive Leadership Team and MBTA Board in reviewing, commenting on and/or	

Corrective Action Plan (CAP) Evaluation Matrix
Special Directive 22-9: Managing the Impact of Operations, Maintenance and Capital Projects Requirements on the Available Workforce

				accepting the draft and final safety risk assessments.	
		9. Finalize safety risk assessment: Consultant will complete and deliver to the MBTA a revised draft of the workforce safety risk assessment.	8/31/2023	Action Required See comment above regarding FTA's request for addition clarification regarding roles and responsibilities for MBTA's WAWG, Safety Department and Executive Leadership Team.	
		10. Final MBTA internal review and sign-off of workforce assessment: MBTA senior leadership will review the workforce assessment and work with the consultant(s) to address any outstanding issues that may prevent successful utilization of the workforce assessment. Following successful finalization of the assessment, MBTA leadership will formally sign off on the assessment.	9/28/2023	Action Item Approved See comment for Action Item #6 above, requesting additional clarification on "MBTA leadership."	

Corrective Action Plan (CAP) Evaluation Matrix
Special Directive 22-9: Managing the Impact of Operations, Maintenance and Capital Projects Requirements on the Available Workforce

		11. CAP Verification: MBTA departments will evaluate actionable items/deliverables before submission to FTA to confirm there is reasonable evidence that the findings and this required action have been resolved, considering the scope and performance measures.	Ongoing	Action Item Approved	
FTA-22-9-MBTA-CAT1-2	<u>Finding:</u> MBTA has not demonstrated the organizational capacity to recruit and hire personnel to meet authorized staffing levels. <u>Required Action:</u> MBTA must develop and implement a recruitment and hiring plan to address findings from its workforce analysis and associated workforce planning for at least a five-year period, including how it will expand its capabilities for recruiting and hiring personnel to fill operations, maintenance, and capital project delivery positions.	1. Develop a working group to lead consultant engagement for workforce assessment and five-year hiring plan: Establish a Workforce Assessment Working Group (WAWG) comprised of stakeholder groups that will work collectively to partner with, support, and oversee the consultant contracted to create the authority-wide workforce assessment and five-year hiring plan.	12/15/2022	Action Required Please clarify if this is a separate WAWG from the WAWG established for the previous finding, or a sub-group, or the same group established for FTA-22-9-MBTA-CAT1-1. Also, please see FTA’s comment on Action Item #1 from the previous finding regarding the composition, structure, and meeting schedule for the WAWG, and WAWG engagement with MBTA executive leadership and MBTA Board.	
		2. Procure consulting services: Issue an RFP for consulting services. Scope to review industry best practices and develop a five-year recruitment and hiring plan to support the workforce assessment developed under the corrective action plan for	11/10/2022	Action Item Approved	

Corrective Action Plan (CAP) Evaluation Matrix
Special Directive 22-9: Managing the Impact of Operations, Maintenance and Capital Projects Requirements on the Available Workforce

		SD 22-9 Finding 1 will be included in the procurement for consulting services undertaken as part of SD 22-9 Finding 1 corrective action plan.			
		3. Strategic Planning Session: Conduct a strategic planning session for SD 22-9 Finding 2 CAP implementation with the WAWG identified in Actionable Item #1.	12/15/2022	Action Item Approved	
		4. Onboard consultant: Onboard selected consultant.	1/17/2023	Action Item Approved	
		5. Review mid-year progress on FY23 Hiring Plan: The MBTA will monitor progress with the FY23 Hiring Plan and submit a copy of the Q1 and Q2 FY23 Hiring Plan. This will also include an overview of the Safety Prioritization Framework that was used to establish the hiring plan as well as supporting data used to establish monthly HR capacity targets. With the implementation of the first annual hiring plan, the MBTA will also submit a summary of lessons learned throughout the process. This summary will include an overview of	1/31/2023	Action Item Approved	

Corrective Action Plan (CAP) Evaluation Matrix
Special Directive 22-9: Managing the Impact of Operations, Maintenance and Capital Projects Requirements on the Available Workforce

		benefits, challenges, and useful metrics.			
		6. Review best practices: Conduct a review of hiring and recruiting best practices across transit agencies and other industries.	5/12/2023	Action Item Approved	
		7. Stakeholder engagement: Engage union leadership to identify areas for collaboration to address identified staffing needs.	8/18/2023	Action Item Approved	
		8. Prepare and review first draft of five-year hiring plan: Consultant will prepare and deliver to the MBTA a first draft of the five-year hiring plan. Draft is to include implementation plan to expand hiring, recruiting, and training capabilities, as needed, as well as documented processes to enable HR to sustainably maintain and update hiring plan moving forward.	12/1/2023	Action Item Approved	
		9. Finalize five-year hiring plan: Consultant will complete and deliver to the MBTA a revised draft of the five-year hiring plan.	1/15/2024	Action Item Approved	

Corrective Action Plan (CAP) Evaluation Matrix
Special Directive 22-9: Managing the Impact of Operations, Maintenance and Capital Projects Requirements on the Available Workforce

		10. CAP Verification: MBTA departments will evaluate actionable items/deliverables before submission to FTA to confirm there is reasonable evidence that the findings and this required action have been resolved, considering the scope and performance measures.	Ongoing	Action Item Approved	
FTA-22-9-MBTA-CAT1-3	<u>Finding:</u> Additional resources are needed to support MBTA’s safety engineering and safety certification process for capital projects. <u>Required Action:</u> MBTA must modify safety engineering and certification requirements for its capital projects and vehicle procurements and ensure they are addressed through additional E&M and Safety Department staffing, contractor resources, or a combination of approaches. This may be done as part of the workforce analysis in Finding 1, or as part of a separate initiative.	1. Develop SMWG: Establish a Safety Management Working Group (SMWG) comprised of stakeholder groups that will inform, guide, and approve the work of this corrective action plan.	10/31/2022	Action Required Given that work on FTA-22-9-MBTA-CAT1-3 will not be completed until 6/30/2024, FTA requests additional information on what the MBTA will be doing in the interim to ensure safety certification for capital projects. Will there be additional contractor, E&M or Safety Department resources available to support the existing safety engineering and certification program through CY 2023 and into CY 2024? For example, is there an option for short term staffing to supplement safety engineering through contracted staff – as the MBTA proposes in Action Item #4 of FTA-22-9-MBTA-CAT1-4?	
		2. Strategic Planning Session: Conduct a strategic planning session for SD 22-9 Finding 3	11/30/2022	Action Item Approved	

Corrective Action Plan (CAP) Evaluation Matrix
Special Directive 22-9: Managing the Impact of Operations, Maintenance and Capital Projects Requirements on the Available Workforce

		CAP implementation with the working group identified in Actionable Item #1.			
		3. Procure Consulting Services: Develop and issue an RFP for consulting services to conduct a best practices review of safety engineering and certification activities, support the revision of the safety engineering and certification policy, develop and support training on the policy, and monitor the implementation of the policy.	12/19/2022	Action Item Approved	
				<u>Note:</u> Please amend if contractor resources will also support existing program until it is updated.	
		4. Onboard Consultant: Onboard selected consultant.	3/3/2023	Action Item Approved	
		5. Best Practices Review: Conduct a best practices review that looks at safety engineering and certification practices inside and outside of the transit industry.	6/7/2023	Action Item Approved	
		6. Assess existing policy: Assess the existing Safety and Security Certification Policy and identify inconsistencies, needed changes and improvements to ensure that it is a process that can be utilized to verify a) safety-related requirements are incorporated into a project, b) the project is operationally	8/7/2023	Action Item Approved	

Corrective Action Plan (CAP) Evaluation Matrix
Special Directive 22-9: Managing the Impact of Operations, Maintenance and Capital Projects Requirements on the Available Workforce

		ready for revenue service, and c) the project is safe and secure for passengers, employees, public safety agencies, and the general public.			
		7. Update policy: Update the Safety and Security Certification Program to an agency-wide policy that will be used as the standard for all MBTA Capital Projects and Vehicle/System Procurements. It will address the issues identified in Actionable Item #6, as well as incorporate industry best practices.	10/6/2023	Action Item Approved	
		8. Workforce Assessment: Incorporate updated Safety Engineering and Certification Policy and procedures into the Workforce Assessment developed under SD 22-9 Finding #1 corrective action plan.	12/8/2023	Action Item Approved	
		9. Develop Training Materials: Develop training materials to ensure that all affected personnel are informed of the Safety and Security Certification Program requirements.	12/31/2023	Action Item Approved	

Corrective Action Plan (CAP) Evaluation Matrix
Special Directive 22-9: Managing the Impact of Operations, Maintenance and Capital Projects Requirements on the Available Workforce

		10. Recruitment and Hiring Plan: Incorporate updated Safety Engineering and Certification Policy and procedures into the Five-Year Recruitment and Hiring Plan developed under SD 22-9 Finding #2 corrective action Plan.	1/31/2024	Action Item Approved	
		11. Training of affected personnel: Training for all personnel involved in the Safety and Security Certification process.	6/30/2024	Action Item Approved	
		12. CAP Verification: MBTA departments will evaluate actionable items/deliverables before submission to FTA to confirm there is reasonable evidence that the findings and this required action have been resolved, taking into account the scope and performance measures.	Ongoing	Action Item Approved	
FTA-22-9-MBTA-CAT1-4	<u>Finding:</u> MBTA requires additional oversight of contractor work sites. <u>Required Action:</u> FTA recommends that MBTA review the inspection and resident engineering resources needed to ensure	1. Establish Working Group: Establish a working group of internal stakeholders to review and guide implementation of the corrective action plan.	11/4/2022	Action Item Approved	
		2. Strategic Planning Session: Conduct a strategic planning session for SD 22- 9 Finding 4 implementation with the	12/7/2022	Action Item Approved	

Corrective Action Plan (CAP) Evaluation Matrix
Special Directive 22-9: Managing the Impact of Operations, Maintenance and Capital Projects Requirements on the Available Workforce

<p>compliance with MBTA safety rules related to the Right of Way to ensure the safety of personnel while in active work zones through additional staffing, contractor resources, or a combination of approaches.</p>	<p>working group established in Actionable Item #1.</p>			
	<p>3. Procure Consulting Services: Issue RFP or Task Order for consulting services to examine best practices for contractor oversight, review existing policies and procedures for contractor oversight related to right-of-way rules, and conduct a gap analysis of contractor oversight on MBTA projects.</p>	<p>12/31/2022</p>	<p>Action Item Approved</p>	
	<p>4. Short Term Staffing: Assess near term staffing needs and supplement through contracted staff as needed.</p>	<p>2/10/2023</p>	<p>Action Item Approved</p>	
	<p>5. Contractor Engagement: Engage contractors to enhance compliance with right-of-way rules and procedures.</p>	<p>3/15/2022</p>	<p>Action Item Approved</p>	
	<p>6. Onboard Consultant: Onboard selected consultant.</p>	<p>5/5/2023</p>	<p>Action Item Approved</p>	
	<p>7. Best Practices Review: Conduct a best practices review of contractor oversight procedures in Rights-of-Way.</p>	<p>7/10/2023</p>	<p>Action Item Approved</p>	
	<p>8. Review Oversight Policies and Procedures: Conduct a review of all policies and procedures related to</p>	<p>8/14/2023</p>	<p>Action Item Approved</p>	

Corrective Action Plan (CAP) Evaluation Matrix
Special Directive 22-9: Managing the Impact of Operations, Maintenance and Capital Projects Requirements on the Available Workforce

		contractor oversight on the right-of-way, particularly focused on compliance with right-of-way safety rules.			
		9. Gap Analysis of Current MBTA Staff and Contractors: Conduct analysis of MBTA departments on Capital Projects to identify gaps in performance, staffing, roles and responsibilities. Will commence once best practices review is completed. Incorporate into Workforce Assessment conducted under SD 22-9 Finding #1 corrective action plan.	11/10/2023	Action Item Approved	
		10. Establish Recruitment and Hiring Plan: As documented in SD 22-9 Finding #1 corrective action plan, utilize adopted workforce assessment to develop a five-year strategic hiring and recruitment plan for positions deemed necessary to increase safety of personnel and assets on MBTA construction work sites.	3/15/2024	Action Item Approved	
		11. CAP Verification: MBTA departments will evaluate actionable items/deliverables before submission to FTA to	Ongoing	Action Item Approved	

Corrective Action Plan (CAP) Evaluation Matrix
Special Directive 22-9: Managing the Impact of Operations, Maintenance and Capital Projects Requirements on the Available Workforce

		confirm there is reasonable evidence that the findings and this required action have been resolved, considering the scope and performance measures.			
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