



U.S. Department
of Transportation

**Federal Transit
Administration**

Headquarters

1200 New Jersey Avenue, SE
Washington, DC 20590

SENT VIA EMAIL

August 18, 2023

Mr. Phillip Eng
General Manager
Massachusetts Bay Transportation Authority
10 Park Plaza
Boston, MA 02116

Subject: Response to Closeout Request for FTA-OCC-22-004 (Operations Control Center (OCC) Hours-of-Service)

Dear Mr. Eng:

On August 4, 2023, the Massachusetts Bay Transportation Authority (MBTA) submitted a Corrective Action Plan (CAP) closeout request for FTA-OCC-22-004 (OCC Hours-of-Service). The MBTA developed this CAP as part of its response to interim findings issued in Special Directive 22-6: OCC from the Safety Management Inspection (SMI) initiated by the Federal Transit Administration (FTA) in April 2022.

Closeout Approval for FTA-OCC-22-004 (OCC Hours-of-Service)

MBTA submitted, and FTA approved, a CAP for FTA-OCC-22-004 that included five (5) action items to address the following SD 22-6 finding and required action:

- **Finding 4:** MBTA requires its OCC personnel to work in a fatigued state as a pattern and practice.
- **Required Action (FTA-OCC-22-004):** MBTA must develop and enforce policies that require OCC personnel to work in a rested state. MBTA must modify its hours-of-service policy to require sufficient hours of rest, consistent with MBTA's hours of service policy for rail transit motorpersons.

To implement this CAP, between June 28, 2022 and April 1, 2023, MBTA submitted the following documentation demonstrating completion of the CAP action items:

- Operations Special Order #22-116, Rule GEN21A Limitation of Work Hours (Transportation Specific) OCC Dispatchers Only, which establishes hours-of-service limitations for OCC dispatchers

- OCC Standard Operating Procedure (SOP) 103.0, SOP for Managing the Limitation of Work Hours and Certification Compliance for OCC Dispatchers, which defines how OCC management ensures compliance with Special Order #22-116
- Dashboards on MBTA's Tableau server that allow OCC management to identify potential violations of hours-of-service requirements for OCC dispatchers
- Confirmation of the creation of the MBTA Operations Analytics Team
- Final Rules for Operations Employees (Rulebook) that incorporates the hours-of-service limitations established in Special Order #22-116
- FTA-OCC-22-004 CAP closeout verification memo submitted August 4, 2023

FTA carefully evaluated this documentation and reviewed specific submissions with MBTA during bi-weekly meetings on Special Directive 22-6 between June 2022 and June 2023. FTA conducted multiple on-site verifications of compliance with Special Order #22-116, the last of which occurred June 22, 2023. These verifications confirmed that MBTA has established and implemented the hours-of-service requirements for this required action.

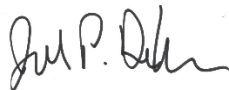
On Aug 9, 2023, FTA team members reviewed a printed copy of the finalized Rulebook to confirm the incorporation of the hours-of-service limitations established in Special Order #22-116.

Based on review of these submissions and the results of verification activity, FTA finds that these completed action items satisfy the requirements of FTA-OCC-22-004. The Finding and associated CAP are now closed. FTA will continue to monitor compliance with Special Order #22-116, and prior to closing Special Directive 22-6, FTA may conduct a final verification regarding the hours-of-service requirements.

Conclusion

This Finding and CAP closure represents a tremendous amount of work and 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
Jeff Gonneville, Deputy General Manager, MBTA
Erik Stoothoff, Acting Chief Operating Officer, MBTA
Kathryne Benesh, Acting Deputy Chief Operating Officer, MBTA
Ron Ester, Chief Safety Officer, MBTA

Meredith Sandberg, Acting Chief of Quality, Compliance, and Oversight, MBTA
Jamie Van Nostrand, Chair, Massachusetts Department of Public Utilities (DPU)
Robert Hanson, Rail Safety Director, DPU