



U.S. Department
of Transportation
**Federal Transit
Administration**

Headquarters

1200 New Jersey Avenue, SE
Washington, DC 20590

SENT VIA EMAIL

January 5, 2024

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

Subject: Closure of Immediate Action Letter from April 18, 2023

Dear Mr. Eng:

On April 18, 2023, the Federal Transit Administration (FTA) issued an Immediate Action Letter (IAL) to the Massachusetts Bay Transportation Authority (MBTA) in response to a series of near miss events and deficiencies in MBTA's implementation of its right of way (ROW) access procedures and practices. This letter formally closes the IAL issued on April 18 2023.

Despite closure of this IAL, MBTA must focus on improving its Roadway Worker Protection (RWP) program. FTA will continue to monitor MBTA's RWP program through existing activities still underway as a requirement of FTA's September 14, 2023, Immediate Action Letter including the implementation of an Advanced Mobile Flagger program and subsequent updates to procedures related to communication with field personnel.

In response to the April 18, 2023 IAL, FTA notes that MBTA took the following actions:

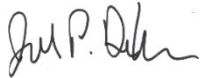
- Provided required ROW access planning documents and ROW access verification documentation at FTA-specified cadences;
- Analyzed its capacity to safely support work crews on the ROW and instituted work crew limits;
- Analyzed the documentation used to track and monitor personnel on the ROW and updated the documents and the policies and procedures that support the generation and dissemination of these documents;
- Analyzed its communication process related to accessing the ROW and audited radio discipline;
- Piloted a worker-ahead notification program and a radio communication process;
- Reviewed and updated requirements for Operations Control Center (OCC) dispatcher communication regarding ROW access;
- Developed and implemented a process to visually display the locations of workers on the ROW on MBTA's Supervisory Control and Data Acquisition (SCADA) system;
- Assessed its use of Level 3 protection;

- Revised test train procedures;
- Developed and executed an ROW Addendum Curriculum based on an evaluation of its existing RWP training; and
- Developed and executed an updated initial ROW safety training program.

As this letter acknowledges that MBTA completed the actions noted in the April IAL and the Action Items identified in FTA's correspondence approving MBTA's Safety Work Plan dated June 9, 2023, MBTA may stop daily reporting on ROW access planning and ROW access verification required by the April IAL.

We appreciate your efforts to enhance MBTA's safety performance, and we look forward to working with you as the MBTA continues to improve its RWP program. If you have any questions, please contact our Safety Management Inspection Coordinator Erin Powell at (771) 200-8016 or by email at 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
Ryan Coholan, Chief Operating Officer, MBTA
Tim Lesniak, Chief Safety Officer, MBTA
Meredith Sandberg, Chief of Quality, Compliance, and Oversight,
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Natasha Vance, Deputy Chief of Quality, Compliance, and Oversight,
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Pat Lavin, Chief Safety Officer, Massachusetts Department of
Transportation
Jamie Van Nostrand, Chair, Massachusetts Department of Public
Utilities (DPU)
Robert Hanson, Rail Safety Director, DPU