



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-23-004 (Track Maintenance Safety Rules and Procedures)

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 Massachusetts Bay Transportation Authority's (MBTA)] rules compliance practices for track maintenance safety rules and procedures.
- **Required Action:** DPU must submit and implement a process that ensures the MBTA follows its rules compliance program as outlined in the System Safety Program Plan¹ for track maintenance safety rules and procedures.

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

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

- Updated its Program Standard Operations Guide to reflect its process to ensure MBTA follows the Authority's rules compliance programs, including those for track maintenance safety rules and procedures.

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of the 2019 SSO triennial audit, MBTA was operating under a System Safety Program Plan, per the requirements of the now-superseded 49 CFR part 659.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.

- Provided the form DPU uses to capture data from its inspection activities, including oversight of rules compliance at MBTA.
- Provided a list of calendar year 2023 dates during which DPU performed related inspection activities.
- Provided reports on its actions to oversee five calendar year 2023 MBTA surge and diversion work areas, including oversight of rules compliance at MBTA.

Closeout Approval for FTA-DPU-23-004 (Track Maintenance Safety Rules and Procedures)

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

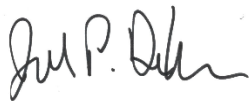
- The Program Standard Operations Guide language describing how DPU ensures MBTA follows the Authority's rules compliance program for track maintenance safety rules and procedures.
- The demonstration of calendar year 2023 activities to oversee MBTA's execution of the Authority's rules compliance program for track maintenance safety rules and procedures.

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 rules compliance practices.

FTA's review 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