



U.S. Department
of Transportation

**Federal Transit
Administration**

Headquarters

1200 New Jersey Avenue, SE
Washington, DC 20590

SENT VIA EMAIL

May 6, 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-23-001 (Oversight of Hazard Analysis)

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 implementation of [the Massachusetts Bay Transportation Authority's (MBTA)] System Safety Program Plan (SSPP)¹ hazard analysis procedures.
- **Required Action:** MDPU must submit and implement a process that ensures the MBTA identifies its thresholds for developing CAPs and is conducting hazard analysis as required in the SSPP.

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

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

- Updated its Program Standard Operations Guide to reflect its process to ensure MBTA analyzes hazards as outlined in the Agency Safety Plan, to ensure MBTA identifies thresholds for developing CAPs, and to ensure MBTA conducts an after-action review on applicable

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the 2019 SSO triennial audit, MBTA was operating under a System Safety Program Plan, per the requirements of the now-superseded 49 CFR part 659.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

safety events.

- Provided the form MBTA uses to notify DPU of a reportable safety event.
- Provided sample observations of MBTA's hazard identification, analysis, and tracking process.
- Provided sample DPU reports on MBTA hazard identification, analysis, and tracking.

Closeout Approval for FTA-DPU-23-001 (Oversight of Hazard Analysis)

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

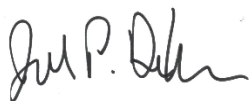
- The Program Standard Operations Guide language describing how DPU ensures MBTA conducts hazard analysis as outlined in the Agency Safety Plan, identifies thresholds for developing CAPs, and conducts an after-action review on applicable safety events.
- Forms and outputs from DPU's activities to implement the requirements specified in their Program Standard Operations Guide.

FTA also considered joint oversight activities conducted with the FTA Safety Management Inspection (SMI) team over the previous two years as evidence that DPU implemented the forms and outputs specified in the PSOG related to the Oversight of Hazard Analysis.

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 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