



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-23-005 (Sufficiency and Thoroughness of Investigation Reports)

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 verify the sufficiency and thoroughness of [Massachusetts Bay Transit Authority (MBTA)] investigation reports.
- **Required Action:** DPU must submit and implement a process that ensures the MBTA thoroughly investigates all accidents.

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 thoroughly investigates all accidents.
- Provided the checklist and sample completed checklists that DPU uses to review investigation reports for sufficiency and thoroughness.
- Provided progress reports on work to address the backlog of accident investigation reports that DPU had previously been unable to approve.

Closeout Approval for FTA-DPU-23-005 (Sufficiency and Thoroughness of Investigation

Reports)

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

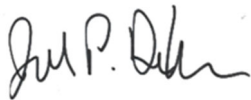
- The Program Standard Operations Guide language describing how DPU ensures MBTA thoroughly investigates all accidents.
- The checklists used to review investigation reports for sufficiency and thoroughness.
- DPU's demonstration of its actions to ensure the sufficiency and thoroughness of accident investigation reports.

FTA also considered joint oversight activities conducted with the FTA Safety Management Inspection (SMI) team over the previous two years that demonstrated how DPU works to ensure the sufficiency and thoroughness of investigation reports.

FTA's review for this CAP 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