



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-23-006 (Independent Review of Findings of Causation)

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 conduct an independent review of the MBTA's findings of causation.
- **Required Action:** DPU must submit and implement a process that ensures they conduct independent reviews of accident investigation findings of causation.

DPU's CAP contained two 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 conduct independent reviews of accident investigation findings of causation.
- Provided example accident investigation review documentation confirming their independent review of accident investigation findings of causation.
- Provided training for DPU staff in determining findings of causation.

Closeout Approval for FTA-DPU-23-006 (Independent Review of Findings of Causation)

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

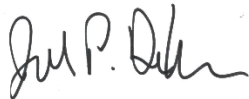
- The Program Standard Operations Guide language requiring an independent review of findings of causation.
- The demonstration of an independent review of findings of causation.

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 conducting an independent review of findings of causation.

FTA's review of DPU activities 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