



U.S. Department  
of Transportation

**Federal Transit  
Administration**

Executive Director

1200 New Jersey Avenue, SE  
Washington, DC 20590

**SENT VIA EMAIL**

September 25, 2024

Mr. James M. Van Nostrand  
Chair  
Massachusetts Department of Public Utilities  
One South Station  
Boston, MA 02110

Dear Mr. Van Nostrand:

On June 15, 2022, the Federal Transit Administration (FTA) issued Special Directive (SD) 22-8, Required Actions to Address Findings from the Safety Management Inspection Conducted at the Massachusetts Bay Transportation Authority, to the Massachusetts Department of Public Utilities (DPU). This SD required DPU to oversee the implementation of the first four SDs that FTA issued to the Massachusetts Bay Transportation Authority (MBTA) to address immediate safety issues based on interim findings made during FTA's Safety Management Inspection. These SDs are:

- Special Directive 22-4: Required Actions to Address Findings from the FTA SMI Conducted at the MBTA Related to Track Maintenance
- Special Directive 22-5: Required Actions to Address Findings from FTA SMI Conducted at the MBTA Related to Vehicle Securement of Disabled Trains
- Special Directive SD 22-6: Required Actions to Address Findings from FTA SMI Conducted at the MBTA Related to the Operations Control Center
- Special Directive 22-7: Required Actions to Address Findings from FTA SMI Conducted at the MBTA Related to Lapsed Certifications

SD 22-8 findings 1-4 required the DPU to demonstrate effective oversight processes and to coordinate with FTA to oversee the SDs listed above. Specifically, the four findings stated:

- **FTA-DPU-22-001:** The DPU has not ensured that the MBTA maintains its track.
- **FTA-DPU-22-002:** The DPU has not ensured that the MBTA has sufficient policies and procedures to address unintended train movements.
- **FTA-DPU-22-003:** The DPU has not ensured that the MBTA has sufficient policies and procedures related to the Operations Control Center.
- **FTA-DPU-22-004:** The DPU has not ensured that the MBTA has sufficient policies and procedures related to lapsed certification.

On September 5, 2023, FTA closed these findings based on evidence submitted by DPU of its completion of these four required actions.

On July 31, 2023, FTA transferred seven open findings from its 2019 State Safety Oversight (SSO) triennial audit to SD 22-8 to address the following findings:

- **FTA-DPU-23-001:** DPU did not oversee and enforce the implementation of [MBTA's] System Safety Program Plan<sup>1</sup> hazard analysis and procedures.
- **FTA-DPU-23-002:** DPU did not oversee and enforce the implementation of the [MBTA's] System Safety Program Plan<sup>1</sup> hazard identification and tracking procedures.
- **FTA-DPU-23-003:** DPU did not oversee and enforce the implementation of the [MBTA's] System Safety Program Plan<sup>1</sup> rules compliance procedures for right-of-way safety rules and procedures.
- **FTA-DPU-23-004:** DPU did not enforce and oversee [MBTA's] rules and compliance practices for track maintenance safety rules and procedures.
- **FTA-DPU-23-005:** DPU did not verify the sufficiency and thoroughness of [MBTA's] investigation reports.
- **FTA-DPU-23-006:** DPU did not conduct an independent review of [MBTA's] findings of causation.
- **FTA-DPU-23-007:** DPU did not ensure that MBTA developed [corrective action plans] as required from hazards or investigation reports.

FTA closed these findings between April and May of 2024 based on evidence submitted by DPU that it had satisfactorily addressed these concerns.

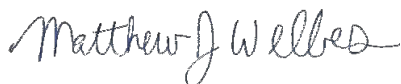
On June 7, 2024, DPU presented an overview of its actions to address the requirements of SD 22-8 and the transferred findings from the 2019 SSO audit to FTA. This presentation confirmed FTA's previous determination that DPU has not only met FTA's requirements but also independently exercised its SSO responsibility to oversee the safety of MBTA's rail transit system as it relates to the areas covered under SD 22-8.

As a result, FTA finds that DPU has satisfied the requirements of SD 22-8 and is under no continuing obligation to comply with its requirements.

## **Conclusion**

The determination that DPU has satisfied all of the requirements related to SD 22-8 represents a tremendous amount of work, and FTA greatly appreciates your efforts. If you have any questions, 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](mailto:Francis.Alomia@dot.gov) with any questions.

Sincerely,



Matthew J. Welbes