

UNITED STATES DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Special Directive No. 22-5, Notice No. 1]

**Special Directive Under 49 U.S.C. § 5329 and 49 CFR Part 670
Required Actions to Address Findings from Federal Transit Administration Safety
Management Inspection Conducted at the Massachusetts Bay Transportation
Authority Related to Vehicle Securement of Disabled Trains**

AGENCY: Federal Transit Administration (FTA), U.S. Department of Transportation (DOT).

SUMMARY: FTA issues Special Directive 22-5 to require the Massachusetts Bay Transportation Authority (MBTA) to address ongoing safety concerns at MBTA and interim findings uncovered during FTA’s Safety Management Inspection (SMI) that was initiated in April 2022. This Special Directive mandates that MBTA undertake three required actions within its system to address the pattern of safety incidents and interim safety findings concerning unintended and uncontrolled train movements by disabled trains in maintenance facilities and rail yards.

FOR FURTHER INFORMATION CONTACT: For program matters, Mr. Joseph DeLorenzo, Associate Administrator for Transit Safety and Oversight and Chief Safety Officer, telephone 202-366-1783 or joseph.delorenzo@dot.gov; for legal matters, Ms. Emily Jessup, Attorney Advisor, FTA, telephone 202-366-8907 or emily.jessup@dot.gov.

SUPPLEMENTARY INFORMATION:

MBTA is a division of the Massachusetts Department of Transportation (MassDOT), providing heavy rail (subway), light rail bus, commuter rail, ferry, and paratransit service to eastern Massachusetts and parts of Rhode Island. While MBTA has recently embarked on a significant program of capital improvements, the agency faces systemic challenges in maintaining its aging infrastructure in a state of good repair and managing the ongoing operations of its complex equipment and systems. These challenges require greater focus, assessment, and resource prioritization, at all levels of the organization, to ensure that the system remains safe for both passengers and workers. Under FTA’s State Safety Oversight Rule, the Massachusetts Department of Public Utilities (DPU) was certified in 2018 as the State Safety Oversight Agency charged with providing Federally required safety oversight of the MBTA rail transit system.

In response to MBTA’s continued safety challenges, FTA decided in April 2022 to conduct a Safety Management Inspection (SMI) of MBTA. This Special Directive is based on the MBTA’s ongoing safety issues and on the interim findings of FTA’s SMI, which began in April 2022 and is still in progress. FTA is issuing this Special Directive while the SMI

remains in progress because the SMI has revealed several serious safety issues that warrant immediate corrective action.

Since January 1, 2021, the MBTA has reported five runaway train events that happened in yards or during maintenance-related movements. Two of these events occurred during FTA’s SMI.

Date	Line	Status	Substantial Damage	Injuries	Probable Cause	CAP Developed	Corrective Action
2/28/21	Orange	Maintenance Recovery	No	None	Procedure not followed	None	None
9/28/21	Red	Maintenance Recovery	No	None	Insufficient Procedure	Yes	Develop and train new procedure
12/17/21	Red	Yard	Yes	3	Insufficient Procedure	Yes	Develop and train new procedure
5/28/22	Red	Yard	TBD	0	Pending	TBD	TBD
5/30/22	Red	Yard	TBD	0	Pending	TBD	TBD

These events raise serious safety concerns. Failure to properly secure disabled trains, including trains with insufficient brakes or propulsion systems, and failure to properly secure disabled trains in yards and maintenance facilities is a significant safety risk. Disabled trains may not be able to make moves directed by yard dispatchers or other personnel and may not be able to apply required braking or propulsion utilizing routine movement and securement methods, creating an increased likelihood of unintended and uncontrolled movements, resulting in collisions with other trains, equipment, or personnel injuries or fatalities.

In addition, these events amplify the need for clear procedures, training, and supervision on the management of disabled trains to prevent unintended train movement. During the course of the SMI, however, FTA found that MBTA does not have or use specific procedures for yard movements of rail vehicles with known or suspected defective brakes or propulsion equipment. In addition, MBTA does not adequately train personnel on the policies and procedures to safely move and secure rail cars with known or suspected defective brakes or propulsion equipment, nor does it verify that personnel consistently use policies and procedures for movement of trains that do not have working brakes and working propulsion equipment.

This Special Directive identifies three required actions that MBTA must take to ensure safe movement of disabled trains in maintenance facilities and rail yards. FTA and DPU will oversee MBTA activity to implement these safety-critical required actions across its system.

As MBTA works to improve the quality of its programs, the findings and required actions outlined in this Special Directive will assist the agency in focusing its attention on safety-critical priorities as it addresses these immediate concerns.

Additionally, FTA will work with DPU and MBTA to review and revise all pre-existing corrective action plans as appropriate to ensure that MBTA continues to make timely progress towards building and maintaining a robust safety culture within the agency.

DIRECTIVE AND REQUIRED ACTIONS:

In accordance with 49 U.S.C. § 5329 and 49 CFR Part 670, FTA directs MBTA to take the following actions:

Category I: Vehicle Securement Policies, Procedures and Compliance			
Finding		Required Actions	
Finding 1	MBTA does not have or use specific procedures for yard movements of rail vehicles with known or suspected defective brakes or propulsion equipment.	FTA-VSC-22-001	MBTA must develop and implement specific written procedures for yard movements of rail vehicles with known or suspected defective brakes or propulsion equipment.
Finding 2	MBTA does not adequately train personnel on the policies and procedures to safely move and secure rail cars with known or suspected defective brakes or propulsion equipment.	FTA-VSC-22-002	MBTA must develop training and train personnel on the policies and procedures to safely move rail vehicles with known or suspected defective brakes or propulsion equipment. Personnel is inclusive of all employees, contractors, oversight, or other individuals who access the rail system and facilities.
Finding 3	MBTA does not verify that personnel consistently use policies and procedures for movement of trains that do not have working brakes and working propulsion equipment.	FTA-VSC-22-003	MBTA must create and implement a compliance program to ensure personnel consistently and accurately use policies and procedures for yard movements of rail vehicles with known or suspected defective brakes or propulsion equipment. Personnel is inclusive of all employees, contractors, oversight, or other individuals who access the rail system and facilities.

Fifteen (15) calendar days after the date of this Special Directive, MBTA must submit a corrective action plan(s) to FTA and DPU that identifies the specific actions that will be performed to address required action specified in this Special Directive; the milestone

schedule for completing corrective action; the responsible parties for action and their contact information; and the verification strategy for ensuring the completion of required work.

FTA, in consultation with DPU, will review and approve (with revisions as necessary) MBTA's corrective action plan(s) and will monitor the agency's progress in resolving each finding and required action.

FTA will continue to conduct bi-weekly meetings with MBTA and DPU to review progress until such time as FTA determines that these meetings are no longer needed or may be conducted with less frequency.

PETITIONS FOR RELIEF OR RECONSIDERATION

As set forth in 49 CFR § 670.27(d), the MBTA has thirty (30) calendar days from the date of this Special Directive to petition for reconsideration with the FTA Administrator. The petition must be in writing and signed by the Chair of the MBTA and must include a brief explanation of why the MBTA believes the Special Directive should not apply to it or why compliance with the Special Directive is not possible, is not practicable, is unreasonable, or is not in the public interest. In addition, the petition must include relevant information regarding the factual basis upon which the Special Directive was issued, information in response to any alleged violation or in mitigation thereof, recommend alternative means of compliance for consideration, and any other information deemed appropriate. Unless explicitly stayed or modified by the Administrator, this Special Directive will remain in effect and must be observed pending review of a petition for reconsideration.

Within ninety (90) days of receipt of the petition, the Administrator will provide a written response. In reviewing the petition, the Administrator shall grant relief only where the MBTA has clearly articulated an alternative action that will provide, in the Administrator's judgment, a level of safety equivalent to that provided by compliance with this Special Directive. In reviewing any petition for reconsideration, the Administrator shall grant petitions only where the MBTA has clearly articulated legal or material facts not in evidence at the time of this Special Directive.

ENFORCEMENT

FTA may take enforcement action for any violation of this Special Directive or the terms of any written plan adopted pursuant to this Special Directive in accordance with FTA's authorities under 49 U.S.C. § 5329, including but not limited to (1) directing MBTA to use Federal financial assistance to correct safety deficiencies; (2) withholding up to 25 percent of financial assistance to MBTA under 49 U.S.C. § 5307; and (3) issuing restrictions or prohibitions (*e.g.*, mandatory speed restrictions, shutdown of a rail line, or complete system shutdown) as necessary and appropriate to address unsafe conditions or practices that present a substantial risk of death or personal injury.

Issued on: June 15, 2022

A handwritten signature in blue ink, appearing to read "Veronica Vanterpool".

Veronica Vanterpool
Deputy Administrator
Federal Transit Administration
U.S. Department of Transportation