



U.S. Department
of Transportation

**Federal Transit
Administration**

Headquarters

1200 New Jersey Avenue, SE
Washington, DC 20590

SENT VIA EMAIL

November 10, 2022

Mr. Steve Poftak
General Manager
Massachusetts Bay Transportation Authority
10 Park Plaza
Boston, MA 02116

Subject: Approval of Resubmitted Corrective Action Plans in Response to Special Directive 22-11, Effectiveness of Safety Communications

Dear Mr. Poftak,

Thank you and your team for submitting updated Corrective Action Plans (CAPs) to address comments from the Federal Transit Administration (FTA) regarding the initial CAP submittals from the Massachusetts Bay Transportation Authority (MBTA) to address Special Directive 22-11, Effectiveness of Safety Communication. FTA received this resubmittal on time as requested in FTA's response letter, dated October 7, 2022.

Approval of Resubmitted CAPs for Findings 1 through 3

FTA approves MBTA's resubmitted CAPs for Findings 1, 2, and 3. Collectively, these three findings require action from the MBTA to improve management of its safety committee process, employee safety reporting program, and safety promotion activities.

For Finding 1, MBTA's new Action Item 1.b addresses FTA's concern regarding how MBTA will manage its Safety Committee meetings in Calendar Year 2023 while the agency develops, assesses, and implements transformative enhancements. In this new action item, MBTA specifies its interim plan for improving Safety Committee meetings, updating, and circulating new procedures and meeting materials, and utilizing inhouse and contractor resources to directly participate in all meetings and review meeting minutes and logs for actionable items requiring escalation to appropriate management committees or initiation of safety risk management or safety assurance activities. Also, for Finding 1, FTA notes new Action Item 15.a, which states MBTA will update its Agency Safety Plan by December 31, 2022, with short term actions taken to enhance Safety Committee attendance and utility, while the agency undertakes and completes the study of final committee structures.

In response to Finding 2, MBTA included new Action Item 1.b to carry out the steps outlined in the MBTA's Interim Action Memo to increase frontline worker participation in the Safety Committee meetings by increasing awareness of the meetings, improving documentation and record keeping, and updating committee meeting procedures. This new Action Item also ensures that these improvements will be incorporated into MBTA's Agency Safety Plan update by December 31, 2022.

For Finding 3, MBTA included new Action Item 1.b which includes the development of a "Toolbox Talk" document summarizing the requirements of the existing Employee Safety Reporting Program and providing explicit directions and examples of what are appropriate items to report via the Safety Hotline. MBTA's interim action steps note that the Toolbox Talk is to be delivered to the workforce, physically posted in worksites, and adapted for display on internal MBTA video communications boards. Also, for Finding 3, new Action Item 3.b states that MBTA will collaborate with the Joint Labor- Management Safety Committee to review the updated processes and materials and collaborate on strategies to ensure frontline employee input.

Finally, for Findings 1, 2, and 3, MBTA identified additional actions being taken to ensure sufficient staff capacity, including the following:

- fully staffing the Quality, Compliance, and Oversight Office (QCOO) by the end 2022;
- continuing to build the MBTA's Safety Department, with the hiring of at least 10 of 22 vacancies by the end of the year;
- hiring of a project management consultant to support QCOO, the Safety Department, and the MBTA Senior Directors ultimately responsible for the CAPs in executing on CAP activities and milestones; and
- solicitation of subject-matter expert contractors to work with MBTA staff to complete CAP activities and integrate them into MBTA processes and practices.

Based on FTA's analysis of MBTA's proposed CAPs for these findings, FTA finds that the resubmitted CAPs for Findings 1, 2 and 3 adequately address FTA's required action. **FTA approves MBTA's CAPs for Findings 1, 2, and 3 for implementation.**

Conclusion

We appreciate your efforts to enhance MBTA's safety performance, and we look forward to working with you and your team as the MBTA addresses these findings and required actions. Please contact our SMI Coordinator, Erin Powell, by phone at (771) 200-8016 or by email at Erin.Powell@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
Jeffrey Gonneville, Deputy General Manager, MBTA
Ron Ester, Chief Safety Officer, MBTA
Katie Choe, Chief of Quality, Compliance and Oversight
Elizabeth Cellucci, Director, Transportation Oversight Division, Massachusetts Department
of Public Utilities

**Corrective Action Plan (CAP) Evaluation Matrix
Special Directive 22-11: Safety Communication**

Identification Number	Finding and Required Action	Proposed CAP Items	Proposed Due Dates	FTA Comments	MBTA Response (if needed)
FTA-COM-22-001	<u>Finding:</u> MBTA has not established explicit and formal provisions to ensure safety information from safety committee results in a consistent outcome of documented, prioritized, and actionable safety information. <u>Required Action:</u> 1.A: MBTA must develop and describe, in the organization's SMS documentation, instructions regarding the conduct, recording, communication and follow up of the outcome consensus decisions specific for each of the following meetings – taking into consideration the nature (strategic or tactical) of each meeting: <ul style="list-style-type: none"> • Operations and Safety Biweekly call (currently every other Friday) • Operations and Safety weekly meeting (currently on Wednesdays) • Executive Safety Committee (ESC) • Safety Management Review Committee (SMRC) • Safety Management Working Groups (SMWGs) 	1a. Procure Consulting Services: Issue RFP or Task Order for consulting services to evaluate the safety meeting structure, develop instructions for the meetings, develop guidelines for the meeting content and outcomes, and how to incorporate the results into the SMS documentation.	11/20/22	Action Item Approved <u>Note:</u> FTA will ask MBTA review and discuss the requirements to be included in the RFP prior to its release.	
		1b. Implement Interim Action Plans: Carry out interim action steps outlined in 22-11 CAP resubmittal memorandum.	12/31/22	Action Item Approved <u>Note:</u> FTA will conduct activities to verify implementation of interim action steps.	
		2. Onboard Consultant: Onboard selected consultant.	2/20/23	Action Item Approved <u>Note:</u> FTA will review the executed contract for the selected consultant to verify the scope of work and qualifications of the selected contractor to assure their ability to provide these activities.	
		3. Assess Existing Tools and Processes for Action Items: Compile and review all existing tools and processes used to document, track, and carry out action items from safety-related meetings.	3/20/23	Action Item Approved <u>Note:</u> FTA will review results of this activity.	

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	<ul style="list-style-type: none"> • Data Analysis Group (DAG) • Local Safety Committee Meetings • Joint Labor/Management Safety Committee (required by Bipartisan Infrastructure Law) <p>1.B: In support of the above, MBTA must develop and describe, in the organization's SMS documentation, a formal mechanism and associated guidelines to ensure that the meetings are consistent in the identification and analyses of safety concerns and hazards; prioritization of safety risks; implementation of corrective actions; and safety risk mitigation effectiveness monitoring.</p>	<p>4. Assess Existing Tools and Processes for Risk Assessment and Mitigation: Compile and review all existing tools and processes used to perform hazard identification, safety risk assessment, corrective action planning, and risk mitigation monitoring during staff and management safety meetings.</p>	<p>3/20/23</p>	<p>Action Item Approved</p> <p><u>Note:</u> FTA will review results of this activity.</p>	
		<p>5. Tools and Processes Gap Analysis: Identify gaps in the existing tools and processes used to document, track, and carry out action items from the safety-related meetings and tools and processes used to perform hazard identification, safety risk assessment, corrective action planning, and risk mitigation monitoring during safety meetings. Analyze variations in use of existing tools and processes and reasons for variation.</p>	<p>4/20/23</p>	<p>Action Item Approved</p> <p><u>Note:</u> As part of verification for this Action Item, FTA will request a presentation on the results of this Tools and Process Gap Analysis.</p>	
		<p>6. Assess Existing Meeting Framework: Perform, with the assistance of a stakeholder group, a comprehensive review of the existing safety meeting structure, including meeting schedules, sequences, and attendees. Also assess the strategic and/or tactical purpose of each meeting, and each meeting's suitability for</p>	<p>5/20/23</p>	<p>Action Item Approved</p> <p><u>Note:</u> As part of verification for this Action Item, FTA will review the stakeholder group to ensure it is representative of frontline, supervisory and management personnel.</p>	

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Identification Number	Finding and Required Action	Proposed CAP Items	Proposed Due Dates	FTA Comments	MBTA Response (if needed)
		supporting safety program implementation given current agenda topics and thematic content.			
		7. Best Practices Review of Safety Meetings: Complete a best practice review of safety meeting structure and procedures.	5/20/23	Action Item Approved	
		8. Safety Meetings Gap Analysis and Updated Structure Proposal: Identify existing gaps in the meeting framework's ability to support key SMS processes and demonstrated accountability of the Safety Department representative to document or report out the information discussed during the meetings while also defining requirement for employee safety concerns to be documented or acted upon by supervisors.	6/20/23	Action Item Approved <u>Note:</u> As part of verification for this Action Item, FTA will request a presentation on the results of the Safety Meetings Gaps Analysis and Updated Structure Proposal.	
		9. Stakeholder Engagement: Convene stakeholder group from all affected areas including frontline employees and get concurrence on any proposed safety meeting structure changes. Modify proposed structure if required based on areas of stakeholder feedback.	7/20/23	Action Item Approved	

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Special Directive 22-11: Safety Communication**

Identification Number	Finding and Required Action	Proposed CAP Items	Proposed Due Dates	FTA Comments	MBTA Response (if needed)
		<p>10. Establish Meeting Charters: Document and distribute to meeting stakeholders explicit meeting charters identifying the strategic and/or tactical nature of each meeting, goals and objectives for each management or staff working group, participants, and relationships with other safety meetings and processes.</p>	8/20/23	<p>Action Item Approved</p> <p><u>Note:</u> As part of verification for this Action Item, FTA will review meeting charters established for the safety committees.</p>	
		<p>11. Establish Unified Documentation Process: Establish uniform instructions for the conduct of meetings, including explicit departmental accountabilities for information capture and follow-up, as well as templates for meeting agenda development, meeting minutes, escalation and feedback procedures, and tracking of actionable items.</p>	10/20/23	<p>Action Item Approved</p> <p><u>Note:</u> As part of verification for this Action Item, FTA will review documentation process and results.</p>	
		<p>12. Establish Guidelines for Meetings: Establish a mechanism and associated guidelines to ensure that the meetings are consistent in the identification and analyses of safety concerns and hazards; prioritization of safety risks; implementation of corrective actions; and safety risk mitigation effectiveness monitoring. Guidelines should include escalation and feedback</p>	10/20/23	<p>Action Item Approved</p> <p><u>Note:</u> As part of verification for this Action Item, FTA will review safety committee meetings for consistency in the identification, tracking, reporting and analysis of safety concerns and the elevation and prioritization of safety risk.</p>	

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Identification Number	Finding and Required Action	Proposed CAP Items	Proposed Due Dates	FTA Comments	MBTA Response (if needed)
		procedures. Coordinated with Required Action 1b.			
		13. Identify and Train Facilitators: Identify permanent facilitators to monitor and support the performance of each safety meeting, define facilitators' role, and train these individuals in implementing the meeting procedures	11/20/23	Action Item Approved <u>Note:</u> As part of verification for this Action Item, FTA will require the list of permanent facilitators and observe training.	
		14. Implement Unified Documentation Process: Implement the system for documenting and tracking meeting action items with the support of facilitators and monitor implementation of this process to ensure all frontline and management meetings are properly documented and retained via a uniform and accessible document management system. Coordinated with Required Action 1b.	12/20/23	Action Item Approved <u>Note:</u> As part of verification for this Action Item, FTA will observe safety committee meetings and review MBTA's tracking of meeting action items.	
		15a. Revise and Distribute Transit Safety Plan: Revise the Transit Safety Plan to reflect near term expectations for safety meeting structure, procedures, and recordkeeping requirements in accordance with 22-11 CAP resubmittal memorandum.	12/31/22	Action Item Approved <u>Note:</u> As part of verification for this Action Item, FTA will review MBTA's Transit Safety Plan.	

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Identification Number	Finding and Required Action	Proposed CAP Items	Proposed Due Dates	FTA Comments	MBTA Response (if needed)
		15b. Revise and Distribute Safety Plan: Revise the Transit Safety Plan to reflect long term modifications to the safety meeting structure, procedures, and recordkeeping requirements.	9/1/23	Action Item Approved <u>Note:</u> As part of verification for this Action Item, FTA will review MBTA's updated Transit Safety Plan.	
		16. CAP Verification: Evaluate actionable items/deliverables before submission to FTA to confirm there is reasonable evidence that the findings and these required actions have been resolved, taking into account the scope and performance measures.	ongoing	Action Item Approved	
FTA-COM-22-002	<p><u>Finding:</u> MBTA has not documented explicit and formal provisions to ensure the participation of frontline employees in local safety committees as part of their job responsibilities in relation to the agency's SMS.</p> <p><u>Required Action:</u> 2.A: MBTA must develop explicit and formal guidelines for the expected role and contribution of frontline employees to the local safety committee meetings.</p>	1a. Procure Consulting Services: Develop and execute an RFP for a consultant to develop explicit and formal guidelines for the expected role and contribution of frontline employees to the local safety committee meetings, and instruction for the conduct of the meetings including explicit departmental accountabilities for meeting outcome capture, communication and follow-up. (In conjunction with Finding 1 CAP.)	11/20/22	Action Item Approved <u>Note:</u> FTA will ask MBTA review and discuss the requirements to be included in the RFP prior to its release.	
		1b. Implement Interim Action Plan: Carry out interim action steps outlined in the SD 22-11 CAP resubmittal memorandum.	12/31/22	Action Item Approved <u>Note:</u> FTA will conduct activities to verify	

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Identification Number	Finding and Required Action	Proposed CAP Items	Proposed Due Dates	FTA Comments	MBTA Response (if needed)
	<p>2.B: MBTA must develop instructions for the conduct of the meetings, including explicit departmental accountabilities for meeting outcome information capture, communication and follow up.</p>			implementation of interim action steps.	
<p>2. Onboard consultant: Onboard selected consultant</p>		2/20/23	<p>Action Item Approved</p> <p><u>Note:</u> FTA will review the executed contract for the selected consultant to verify the scope of work and qualifications of the selected contractor to assure their ability to provide these activities.</p>		
<p>3. Establish Unified Meeting Process: Based on the assessment of existing tracking tools and the meeting framework visioning process, establish formal guidelines for the expected role and contribution of frontline employees in safety meetings and establish uniform instructions for the conduct of meetings, including explicit departmental accountabilities for information capture and follow-up.</p>		6/20/23	<p>Action Item Approved</p> <p><u>Note:</u> As part of verification for this Action Item, FTA will request a meeting to discuss the results of this analysis and to review the guidelines with MBTA.</p>		
<p>4. Update Training Materials: Review and update existing training related to frontline worker meeting participation and expectations and assign updated training to frontline employees.</p>		8/20/23	<p>Action Item Approved</p> <p><u>Note:</u> As part of verification for this Action Item, FTA will observe training for frontline employees.</p>		

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Identification Number	Finding and Required Action	Proposed CAP Items	Proposed Due Dates	FTA Comments	MBTA Response (if needed)
		5. Implement Unified Documentation Process: Implement the new system for documenting and tracking meeting action items with the support of facilitators and monitor implementation of this process to ensure all frontline and management meetings are properly documented and retained via a uniform and accessible document control system	7/20/23	Action Item Approved <u>Note:</u> As part of verification for this Action Item, FTA will review documentation process and results.	
		6. Review Job Descriptions: Review job descriptions for frontline employees to ensure that safety meeting participation is explicitly identified as a component of employee duties.	10/20/23	Action Item Approved <u>Note:</u> As part of verification for this Action Item, FTA will review job descriptions for frontline employees to ensure that safety committee participation is included.	
		7. Promote Local Safety Committee Participation: Work closely with Labor Relations and Unions to develop and distribute promotional materials related to the safety meeting process, including the benefits of participation and case studies highlighting impacts on the safety program.	10/20/23	Action Item Approved <u>Note:</u> As part of verification for this Action Item, FTA will observe meetings to discuss promotion of participation in Local Safety Committees.	

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Identification Number	Finding and Required Action	Proposed CAP Items	Proposed Due Dates	FTA Comments	MBTA Response (if needed)
		8a. Revise Transit Safety Plan: Revise the Transit Safety Plan to reflect near term expectations for safety meeting structure, procedures, and recordkeeping requirements in accordance with 22-11 CAP resubmittal memorandum.	12/31/22	Action Item Approved <u>Note:</u> As part of verification for this Action Item, FTA will review MBTA's Transit Safety Plan.	
		8b. Revise Transit Safety Plan: Revise the Transit Safety Plan to reflect long term modifications to the safety meeting structure, procedures, and recordkeeping requirements.	9/1/23	Action Item Approved <u>Note:</u> As part of verification for this Action Item, FTA will review MBTA's updated Transit Safety Plan.	
		9. CAP Verification: MBTA departments will evaluate actionable items/deliverables before submission to FTA to confirm there is reasonable evidence that the findings and this required action have been resolved, taking into account the scope and performance measures.	ongoing	Action Item Approved	
FTA-COM-22-003	<u>Finding:</u> MBTA management has not effectively communicated clear direction to frontline employees on what to report and what not to report through the Safety Hotline.	1a. Procure Consulting Services: Issue an RFP or initiate a task order to evaluate the procedures and use of the existing ESRP and Maintenance request systems and evaluate and revise training.	11/15/22	Action Item Approved <u>Note:</u> FTA will ask MBTA review and discuss the requirements to be included in the RFP prior to its release.	
	<u>Required Action:</u>	1b. Implement Interim Action Plans: Carry out interim action steps	12/31/22	Action Item Approved	

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Identification Number	Finding and Required Action	Proposed CAP Items	Proposed Due Dates	FTA Comments	MBTA Response (if needed)
	<p>3.A: MBTA must expedite the development of an effective ESRP as a fundamental source of safety information for hazard identification and safety performance monitoring.</p> <p>3.B: As part of the development of an effective ESRP, MBTA must provide explicit direction to frontline employees on what to report and what not to report through the ESRP (including the safety hotline).</p> <p>3.C: As part of the development of an effective ESRP, MBTA must provide refresher training to stakeholder personnel on the role of employee safety reporting within SMS and the crucial contribution managers and supervisors play in the development of an effective safety reporting context.</p>	outline in SD 22-11 CAP resubmittal memorandum.		<u>Note:</u> FTA will conduct activities to verify implementation of interim action steps.	
		2. Onboard Consultant: Onboard selected consultant	2/15/23	<p>Action Item Approved</p> <p><u>Note:</u> FTA will review the executed contract for the selected consultant to verify the scope of work and qualifications of the selected contractor to assure their ability to provide these activities.</p>	
		3a. Review and Update ESRP Guidance Documents: Perform a comprehensive review of existing program documentation and identify processes, workflows, and tools which will be established to guarantee the success of the ESRP.	3/22/23	<p>Action Item Approved</p> <p><u>Note:</u> FTA will assess results of the review and the processes, workflows, and tools that will be established for the ESRP.</p>	
		3b. Joint Management-Labor Safety Committee Review of ESRP Materials: Present proposed updates to ESRP processes, workflows, and tools to joint management-labor safety committee; incorporate updates in response to feedback as needed.	4/7/23	<p>Action Item Approved</p> <p><u>Note:</u> FTA will verify how MBTA Management coordinates with Labor Union Management and the Safety Committee in the update of ESRP related documents.</p>	
		4. Monitor ESRP / SRM Integration: Ensure that ESRP inputs are fully	4/23/23	<p>Action Item Approved</p>	

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Identification Number	Finding and Required Action	Proposed CAP Items	Proposed Due Dates	FTA Comments	MBTA Response (if needed)
		integrated into the Authority's proactive Safety Risk Management process, including through clear provisions for hazard analysis and risk assessment.		<u>Note:</u> As part of verification for this CAP item, FTA will review ESRP documentation related to ESRP use, management, inputs, and outputs, as well as elevation of safety concerns as specified in MBTA documents.	
		5. Support ESRP / SRM Integration: Establish the management review structure required to support adequate integration of the ESRP and SRM process, including promotion of the ESRP tools to employees, escalation of hazards, risk assessment, and consideration of ESRP inputs against larger background patterns and trends of hazards and risks sourced from other areas including workshops, JHAs, and oversight activities.	6/1/23	Action Item Approved	
		6. Review and Update ESRP Trainings: Update training modules related to employee safety reporting.	7/2/23	Action Item Approved	
		7. Assign Updated ESRP Trainings: Issue and assign / reassign trainings related to the ESRP to key frontline employee groups.	8/6/23	Action Item Approved	

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		8. Assess and Document Service Request Process: Evaluate the Authority's existing process for management of housekeeping and maintenance requests; document workflows, resources, and department integration necessary to manage these requests; and address gaps and root causes for maintenance requests being submitted to the ESRP.	10/31/23	Action Item Approved <u>Note:</u> As part of verification for this Action Item, FTA will review results of the analysis regarding maintenance requests being submitted to the ESRP.	
		9. Promote ESRP Reporting Criteria: Develop and deliver safety promotion materials related to the ESRP, including proper reporting of maintenance and housekeeping issues via other channels.	12/15/23	Action Item Approved <u>Note:</u> As part of verification for this Action Item, FTA will review safety promotion materials related to ESRP.	
		10. Promote ESRP Successes and its Role in the Hazardous Management Process: Develop and deliver safety promotion materials related to the ESRP, including success stories related to employee hazard identification and the important role of the ESRP in MBTA's proactive hazard management process.	12/15/23	Action Item Approved <u>Note:</u> As part of verification for this Action Item, FTA will review safety promotion materials related to ESRP.	
		11. CAP Verification: Evaluate actionable items/deliverables before submission to FTA to confirm there is reasonable	Ongoing	Action Item Approved	

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		evidence that the findings and this required action have been resolved, taking into account the scope and performance measures.			