



U.S. Department
of Transportation

**Federal Transit
Administration**

Headquarters

1200 New Jersey Avenue, SE
Washington, DC 20590

SENT VIA EMAIL

February 3, 2023

Cecile M. Fraser
Acting Chair
Department of Public Utilities
Commonwealth of Massachusetts
One South Station
Boston, MA 02110

Subject: Approval of Corrective Action Plans in Response to Special Directive 22-13

Dear Ms. Fraser,

Thank you for submitting revised Corrective Action Plans (CAPs) to address Findings 1, 2, and 3 from FTA's Special Directive (SD) 22-13, Required Actions to Address Findings from the Safety Management Inspection (SMI) Conducted at the Massachusetts Bay Transportation Authority (MBTA). These [three \(3\) findings contain six \(6\) required actions for the](#) Massachusetts Department of Public Utilities (DPU).

Collectively, Findings 1, 2, and 3 of SD 22-13 require DPU to:

- enhance its technical capacity, resources, training, and enforcement capabilities;
- ensure its organizational and legal independence from MBTA; and
- validate MBTA's fatigue management approach for rail transit officials and maintenance and engineering personnel.

The DPU resubmitted these updated CAPs¹ on January 6, 2023, as required in response to FTA's correspondence of December 16, 2022.

Approval of DPU CAPs for Findings 1, 2, and 3

FTA finds that DPU's updated CAPs for Findings 1, 2, and 3 adequately incorporated the additional information requested by FTA in the evaluation matrix provided on December 16, 2022.

¹ FTA notes that DPU re-numbered and re-sequenced its responses into distinct action items for tracking, with explicit titles, due dates, responsible parties, and verification plans, as appropriate, to respond to FTA's comments.

In earlier correspondence, from November 4, 2022, FTA approved DPU's CAP to address Finding 4 from SD 22-13, and its three (3) required actions, determining that DPU's proposed approach adequately addressed FTA's recommended actions.

Revised due dates for DPU Submission of Enforcement Plans

FTA previously transferred tracking of Enforcement Plans for CAPs and Immediate Actions related to SDs 22-4 through 22-7, originally part of 22-8, to the 22-13 evaluation matrix (attached)². FTA has revised the due dates for these Enforcement Plans as follows.

This table will be updated with the specific submission dates once FTA approves the enforcement procedure:

MBTA Special Directive (CAPs and Immediate Actions)	New Due Date for Enforcement Plans
SD 22-4 (TRA)	7 days after approval of Enforcement Procedure
SD 22-5 (VSC)	14 days after approval of Enforcement Procedure
SD 22-6 (OCC)*	21 days after approval of Enforcement Procedure
SD 22-7 (LC)*	28 days after approval of Enforcement Procedure

* For SDs 22-6 & 22-7, the Enforcement Plans for Immediate Actions and for CAPs had different due dates. However, FTA has changed the due dates. Enforcement Plans for *both* Immediate Actions and for CAPs for SD 22-6 and SD 22-7 are due the same day per the table above.

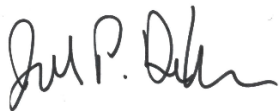
Submissions for Completed Items

Any deliverables identified in the attached evaluation matrix that have already been completed (up to the date of this letter) must be submitted to FTA by **March 17, 2023**.

Conclusion

We appreciate your efforts to enhance DPU's performance and implementation of the SSO program in the Commonwealth of Massachusetts, and we look forward to working with you and your team to address FTA's 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

² FTA informed DPU of this transfer in the December 16, 2022, letter.

cc: Peter Butler, Regional Administrator, FTA Region 1
Rebecca Tepper, Secretary, Executive Office of Energy and Environmental Affairs
Elizabeth Cellucci, Director, Transportation Oversight Division, DPU
Robert Hanson, Director, Rail Transportation Safety, Transportation Oversight Division,
DPU