



U.S. Department
of Transportation
**Federal Transit
Administration**

Headquarters

1200 New Jersey Avenue, SE
Washington, DC 20590

SENT VIA EMAIL

May 19, 2023

Mr. Phillip Eng
General Manager
Massachusetts Bay Transportation Authority
10 Park Plaza
Boston, MA 02116

Subject: Resubmission Required – Right of Way (ROW) Rules Compliance and Safety Work Plan

Dear Mr. Eng,

The Federal Transit Administration (FTA) has reviewed the Right of Way (ROW) Rules Compliance and Safety Work Plan (Work Plan) submitted by the Massachusetts Bay Transportation Authority (MBTA) on May 5, 2023, in response to the Immediate Action Letter the FTA sent to MBTA on April 18, 2023. The Work Plan is insufficient and must be resubmitted.

MBTA's submitted Work Plan includes efforts to develop a long-term plan to strengthen protections for workers and contractors on the rail transit system, including items with completion dates into late 2023 and into 2024. Given the immediate risk to worker safety on the ROW, FTA requires direct and focused actions. Please resubmit the Work Plan by June 5, 2023, with revisions that address and implement ROW safety processes and procedures within the **next 60 days**.

FTA will schedule a follow-up meeting within the next seven days. During this meeting FTA will work with your team to identify and distinguish between the immediate actions that will be reviewed, approved, and tracked from the longer-term actions that MBTA may take. If MBTA fails to appropriately revise the Work Plan and comply with the other requirements of the April 18 letter, ROW access will be prohibited.

Thank you for your attention to this matter. If you have any questions or concerns, please contact our Safety Management Inspection Coordinator Erin Powell at (771) 200-8016 or by email at Erin.Powell@dot.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe P. DeLorenzo".

Joe DeLorenzo
Associate Administrator and
Chief Safety Officer
Office of Transit Safety and Oversight

cc: Jeffrey Gonneville, Deputy General Manager, MBTA
Erik Stoothoff, Acting Chief Operating Officer, MBTA
Ron Ester, Chief Safety Officer, MBTA
Katie Choe, Chief of Quality, Compliance and Oversight
Steve Hicks, Chief Mechanical Officer, MBTA
Pat Richmond, Chief Transportation Officer, MBTA
Pat Lavin, Chief Safety Officer, Massachusetts Department of Transportation
Robert Hanson, Director, Rail Transportation Safety, Massachusetts Department
of Public Utilities