



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

Headquarters

1200 New Jersey Avenue, SE
Washington, DC 20590

SENT VIA EMAIL

July 21, 2023

Mr. Robert N. Hanson
Director Rail Transit Safety
Commonwealth of Massachusetts
Department of Public Utilities
1 South Station 5th Floor
Boston, MA 02110

Subject: Transfer of 2019 State Safety Oversight (SSO) Audit findings and Future SSO Audit Activities

Dear Mr. Hanson,

This letter is regarding Massachusetts Department of Public Utilities’ (DPU) ongoing activities to address the findings of the Federal Transit Administration’s (FTA) 2019 State Safety Oversight (SSO) triennial audit and the findings of FTA’s 2022 Safety Management Inspection (SMI) of the Massachusetts Bay Transportation Authority (MBTA). Specifically, FTA is transferring the seven open findings from the 2019 SSO audit to Special Directive 22-8.

2019 SSO Triennial Audit

In October 2019, FTA conducted a triennial audit of DPU’s SSO program, issuing 16 findings of non-compliance, of which nine have been closed. The seven remaining open findings are listed in the table below:

2019 SSO Triennial Audit of the DPU Open Findings	
Finding	Required Actions
6) DPU did not oversee and enforce the implementation of MBTA’s System Safety Program Plan [(SSPP)] * hazard analysis procedures.	DPU must submit and implement a process that ensures the MBTA is conducting hazard analysis as required in the SSPP.
7) DPU did not oversee and enforce the implementation of MBTA’s SSPP hazard identification and tracking procedures.	DPU must submit and implement a process that ensures the MBTA identifies and tracks all hazards as outlined in the SSPP.
8) DPU did not oversee and enforce the MBTA’s SSPP rules compliance practices	DPU must submit and implement a process that ensures the MBTA follows its rules

2019 SSO Triennial Audit of the DPU Open Findings	
Finding	Required Actions
for right of way safety rules and procedures.	compliance program as required in the SSPP for right of way safety rules and procedures.
9) DPU did not oversee and enforce MBTA's rules compliance practices for track maintenance safety rules and procedures.	DPU must submit and implement a process that ensures the MBTA follows its rules compliance program as outlined in the SSPP for track maintenance safety rules and procedures.
11) DPU did not verify the sufficiency and thoroughness of MBTA investigation reports.	DPU must submit and implement a process that ensures the MBTA thoroughly investigates all accidents.
12) DPU did not conduct an independent review of the MBTA's findings of causation.	DPU must submit and implement a process that ensures they conduct independent reviews of accident investigation findings of causation.
14) DPU did not ensure that MBTA developed Corrective Action Plans [(CAPs)] as required from hazards or investigation reports.	DPU must issue a summary report of the 2015-2017 audit cycle that contains all required elements.
* At the time of the 2019 SSO audit, MBTA was operating under an SSPP, per the requirements of the now-superseded 49 CFR part 659 SSO regulation. In addressing the open findings, DPU should substitute the Agency Safety Plan (ASP) required under 49 CFR part 673, Public Transportation Agency Safety Plan, for any requirement related to the SSPP.	

2022 Safety Management Inspection

In June of 2022, FTA issued Special Directive 22-8 to require DPU to oversee the implementation of the four Special Directives issued to MBTA that address immediate safety issues based on interim findings made during FTA's SMI of MBTA. The special directive identified four findings and four required actions.

Since the 2022 SMI of MBTA, DPU has worked to improve its organization by increasing its capacity to address the 2019 SSO audit findings as well as the 2022 SMI findings. In recognition of this work and to reduce unnecessary burden on both DPU and MBTA, FTA is formally transferring the seven open findings from the 2019 SSO audit to Special Directive 22-8. **This transfer closes the 2019 SSO triennial audit.**

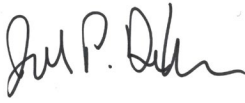
As a result of this closure, **by Friday, August 11, 2023, DPU must submit to FTA new Corrective Action Plans (CAPs) to address the seven open findings under Special Directive 22-8.** FTA will review, approve, monitor, and close the CAPs related to the seven open findings under the authority of Special Directive 22-8.

Future SSO Triennial Audit Activities

To permit DPU to continue to address the findings of the 2019 SSO audit and the 2022 SMI, **FTA is deferring its next SSO triennial audit of DPU to calendar year 2024.**

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 via email at Erin.Powell@dot.gov or SSO Program Manager, Joseph Powell, at (202)-570-9354 or via email at Joseph.Powell@dot.gov.

Sincerely,



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

cc: Peter Butler, Regional Administrator, FTA Region 1
Rebecca Tepper, Secretary, Executive Office of Energy and Environmental
Affairs
James M. (Jamie) Van Nostrand, DPU Chair
Dr. Melonie Barrington, Director, FTA Office of Safety Review