



U.S. Department  
of Transportation

**Federal Transit  
Administration**

Headquarters

1200 New Jersey Avenue, SE  
Washington, DC 20590

**SENT VIA EMAIL**

September 22, 2023

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

**Subject: Clarification on Prohibition of Use of Lone Workers and Approval of Exception Request**

Dear Mr. Eng:

I am writing to clarify the restriction on the use of lone workers within the Massachusetts Bay Transportation Authority (MBTA) system issued by the Federal Transit Administration (FTA). This communication aims to emphasize the critical nature of our concerns and to reiterate the measures that must be taken to ensure the safety of lone workers on your transit system. This letter also approves the MBTA's plan for addressing situations previously managed by lone workers under Level 5 protection.

**Background and Incidence of Non-Compliance with FTA's Requirements**

On September 6, 2023, at approximately 4:15 am, a lone worker operating within a Level 1 No Clearance area on the Longfellow Bridge reported the presence of maintenance vehicles approaching on both tracks to the Operations Control Center (OCC). This incident posed an immediate and substantial risk to the safety of the lone worker, who had no safe escape route while the vehicles were approaching. Fortunately, the worker reached the OCC in time to avert a potentially tragic outcome, with the maintenance vehicles halted and the worker successfully clearing the tracks unharmed.

Subsequent investigations into this event revealed significant deficiencies in MBTA safety protocols. The dispatcher at the OCC who directed the maintenance vehicles onto the bridge was unaware of the lone worker's presence. Furthermore, FTA discovered that MBTA had assigned lone workers to operate under Level 5 protection without entering their location into the IRIS tracking system or ensuring appropriate supervisor awareness and authorization. These deficiencies were also present in a series of other near misses occurring at MBTA since August 10, 2023.

Under these circumstances, FTA determined that the use of Level 5 protection presents a severe risk

of serious injury or fatality to the lone workers involved. Consequently, on September 14, 2023, FTA issued an Immediate Action Letter (IAL) outlining a series of measures, including an immediate prohibition on the use of Level 5 protection intended to increase the safety of workers. This prohibition remains in effect until MBTA can demonstrate the implementation of adequate procedures to safeguard lone workers.

Regrettably, on September 20, 2023, during a routine inspection in the OCC, members of FTA's Safety Management Inspection (SMI) team and the Massachusetts Department of Public Utilities (DPU) observed a dispatcher directing an MBTA employee on to the right of way under Level 5 protection to assist a disabled train. This action constitutes a direct violation of FTA's IAL

Additionally, MBTA's issuance of Special Order #23-180 on the same morning, permitting the use of Level 5 protection in "emergency" situations also violates the IAL. FTA has also determined that Level 5 protection had been used in other instances since issuance of FTA's IAL on September 14, 2023.

### **Follow-on Actions**

The terms of the IAL are clear that use of Level 5 protection is prohibited at MBTA. The letter specifies that MBTA is required to submit a plan for FTA review, outlining the steps taken to enhance the protection of lone workers within the MBTA system. Based on conversations with FTA and DPU regarding non-compliance with explicit direction in FTA's IAL, MBTA expedited development of its initial plan, and on September 21, 2023, submitted an Exception Request for managing situations previously addressed through Level 5 lone worker protection. The document also outlined other key actions to address additional elements of FTA's IAL.

The MBTA's Exception Request plan clarifies that use of Level 5 protection is prohibited, and that Special Order #23-180 will be rescinded. In addition, the request explains that, effective immediately, MBTA has put in place additional protection for all personnel entering the right of way (ROW), including rescheduling track inspection for nights, with interim measures for conducting inspections from the headcar of a train at a reduced speed during revenue hours; recommitment to the use of Level 2 protection for fixed maintenance work; development and implementation of an Advanced Mobile Flagging capacity for mobile inspections. With FTA's concurrence, the plan also includes the use of Level 1 protection (holding all train traffic with positive communication and verbatim repeat-backs with vehicle operators to establish the protection) when lone workers must be dispatched to respond to emergency situations.

### **Approval of Exception Request**

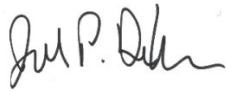
FTA is disappointed in the initial response to the IAL but appreciates the MBTA's follow-up response to this situation and the expedited action taken to address instances of non-compliance to enhance the safety of workers in the ROW. FTA approves the MBTA's request.

Given the gravity of the situation, FTA, along with DPU, will closely monitor the MBTA's implementation of these exception measures. Failure to implement these measures and comply with FTA's IAL may necessitate additional enforcement actions by FTA, including but not limited to redirecting the use of Federal funds, fund withholding, and imposing further restrictions or prohibitions on MBTA's operations.

We understand the importance of the services provided by the MBTA and remain committed to working with you to establish and maintain safe practices for lone workers on the MBTA system. The safety of your employees is of paramount concern to us, and we trust that you will take all necessary steps to address these critical issues promptly and comprehensively.

Please do not hesitate to contact our SMI Coordinator, Erin Powell, by phone at (771) 200-8016 or by email at [Erin.Powell@dot.gov](mailto:Erin.Powell@dot.gov) should you require any clarification or assistance with the implementation of these actions. We are available to provide guidance and support to ensure the safe and efficient operation of the MBTA system.

Sincerely,



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

cc: Peter Butler, Regional Administrator, FTA Region 1  
Ryan Coholan, Chief Operating Officer, MBTA  
Timothy Lesniak, Acting Chief Safety Officer, MBTA  
Katie Choe, Acting Chief of Staff to the General Manager, MBTA  
Meredith Sandberg, Acting Chief of Quality, Compliance, and Oversight, MBTA  
Jamie Van Nostrand, Chair, Massachusetts Department of Public Utilities (DPU)  
Robert Hanson, Rail Safety Director, DPU