



U.S. Department
of Transportation

**Federal Transit
Administration**

Headquarters

1200 New Jersey Avenue, SE
Washington, DC 20590

SENT VIA EMAIL

September 14, 2023

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

Subject: Immediate Action Required to Prevent Train Collisions with Workers

Dear Mr. Eng:

As you know, the safety of public transportation, including the safety of public transportation workers, is of paramount importance to the Federal Transit Administration (FTA). While the Massachusetts Bay Transportation Authority (MBTA) continues to make progress in many areas assessed during our 2022 Safety Management Inspection (SMI), concerns regarding the safety of workers on the right of way (ROW) remain.

On April 18, 2023, in response to five near misses where active train movements nearly collided with transit workers on the ROW, the FTA issued a letter to the MBTA requiring immediate action to protect workers. Specifically, FTA prohibited MBTA from allowing ROW access unless MBTA took specific identified actions such as enhanced monitoring of implementation of Track Access Procedures and the development of a ROW rules compliance and safety work plan.

Despite taking these actions, over the last month MBTA has experienced four additional near miss events, including two incidents on the Red Line and two on the Green Line. The MBTA also failed to report these near misses as required by the Massachusetts Department of Public Utilities (DPU). Based on these incidents, FTA has determined that a combination of unsafe conditions and practices exist such that there is a substantial risk of serious injury or death of a worker.

FTA deems it necessary to outline additional actions that MBTA must undertake immediately to ensure the safety of transit workers working on the ROW. Failure to comply with these requirements may result in suspension of all activities that place workers on the ROW, including maintenance and inspection, until FTA is confident that the MBTA can ensure workers are adequately protected from collisions on the ROW.

Effective immediately, MBTA is required to take the following actions:

- **Reporting of Near Misses:** As of the date of this letter, MBTA must notify the FTA of all near misses that occur within 2 hours of the incident's occurrence. Alongside this notification, MBTA must provide the FTA with preliminary and final investigation reports within 30 days of the each near miss occurrence. Notifications and reports must be sent to SMICoord@dot.gov.
- **Explanation of Reporting Delays:** MBTA is required to provide a detailed explanation of the delays in reporting near misses that have occurred since August 1, 2023, to both the MBTA Safety department and the DPU. Furthermore, MBTA must outline the actions taken to ensure that such delays will not occur in the future. This documentation must be provided to FTA and DPU within **4 business days** from the date of this letter.
- **Analysis of Near Misses and Actions Taken:** MBTA is instructed to conduct a comprehensive analysis of each near miss that has occurred since August 1, 2023. This analysis must result in an itemized list of actions taken or planned to prevent similar incidents in the future. This analysis, along with the list of actions, must be submitted to both the FTA and the DPU within **7 business days** from the date of this letter.

In addition to the above, MBTA is required to implement the following measures:

- **Dispatcher Training and Audits:** MBTA must immediately provide training to all Operations Control Center (OCC) dispatchers and supervisors on the process for entering ROW crew positions into the IRIS system and for ensuring locations are updated throughout ROW crew shifts. Furthermore, MBTA Instructors or Supervisors must confirm each dispatcher's ability to enter this information into the IRIS system through demonstration, testing, and observation. MBTA also must commence daily audits to ensure compliance with this process. MBTA must provide evidence of the completion of these activities to FTA and DPU within **5 business days** from the date of this letter.
- **Verify Communication with Field Personnel:** MBTA must develop a verification plan that ensures the accuracy of bi-directional communication between workers on the ROW and the OCC. This verification plan must include requirements for OCC and E&M supervisors to verify proper communications between OCC and workers on the ROW from the time the crew enters the ROW until protection is no longer required. This verification must ensure that communication addresses the extent of protection, plans to change location, planned time required on the ROW, crew size and equipment to be used, and any planned departures from the ROW as specified by MBTA's ROW access rules. The verification plan must be submitted within **10 business days**. Within **30 business days** of receipt of this letter and monthly thereafter until further notice from FTA, MBTA must submit a report on verifications completed by both OCC and E&M supervisors and any required modifications to existing ROW access procedures.
- **Worker Location Briefings:** MBTA must develop and submit a plan to ensure that all MBTA motorpersons and Engineering and Maintenance (E&M) supervisors are briefed on the locations of all workers prior to commencing their shifts. This plan must be submitted to FTA and DPU within **10 business days** from the date of this letter.

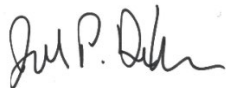
- **Increase Flag Sites for Level 4 Protection:** FTA is restricting use of Level 4 protection until MBTA ensures that additional flag sites are put in place for Level 4 protection in areas of limited visibility, such as curves or other areas with restricted sight distance. MBTA also must develop, post, and distribute to all employees, a list of curves and other locations where additional flag sites are required. Evidence of completion must be submitted to FTA and DPU within **30 business days** from the date of this letter.
- **Additional Requirements for Level 1 Protection:** FTA is restricting use of Level 1 protection until MBTA establishes additional protections for this access, such as lanterns and portable trips, to enhance worksite visibility and establish physical protections for workers accessing the ROW under Level 1 Protection. Evidence of completion must be submitted to FTA and DPU within **30 business days** from the date of this letter.
- **Prohibition of the Use of Level 5 Protection (Lone Worker):** FTA is prohibiting the use of Level 5 protection (lone workers) until MBTA can demonstrate that sufficient procedures are in place to protect these workers. MBTA may submit its justification for the use of Level 5 Protection within **30 business days** from the date of this letter. MBTA may not resume the use of Level 5 protection until approved by FTA.

FTA, in collaboration with the DPU, will closely monitor MBTA's implementation of these actions in addition to continued monitoring of MBTA's implementation of the previously required actions. If necessary, FTA will require additional action to address near misses.

Safety is our top priority at the U.S. Department of Transportation and FTA and we trust that MBTA will take immediate and comprehensive measures to address this letter. Your prompt attention to these matters is expected, and we remain committed to working collaboratively with MBTA to ensure the safety of its operations.

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 should you require any clarification or assistance with the implementation of these actions.

Sincerely,



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

cc: Peter Butler, Regional Administrator, FTA Region 1
Jeff Gonnevill, Deputy General Manager, MBTA
Erik Stoothoff, Acting Chief Operating Officer, MBTA

Kathryne Benesh, Acting Deputy Chief Operating Officer, MBTA

Tim 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