



U.S. Department  
of Transportation

**Federal Transit  
Administration**

Headquarters

1200 New Jersey Avenue, SE  
Washington, DC 20590

**SENT VIA EMAIL**

September 8, 2023

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

**Subject: Response to Closeout Request for FTA-TRA-22-001 (Consistent Personal Protective Equipment [PPE] Requirements for Right-of-Way [ROW] Access)**

Dear Mr. Eng:

On August 16, 2023, the Massachusetts Bay Transportation Authority (MBTA) submitted a Corrective Action Plan (CAP) closeout request for FTA-TRA-22-001 (Consistent Personal Protective Equipment [PPE] Requirements for Right-of-Way [ROW] Access). The MBTA developed this CAP as part of its response to interim findings issued in Special Directive (SD) 22-4: Track Maintenance from the Safety Management Inspection (SMI) initiated by the Federal Transit Administration (FTA) in April 2022.

**Closeout Approval for FTA-TRA-22-001 (Consistent PPE Requirements for ROW Access)**

MBTA's CAP for FTA-TRA-22-001 includes 10 action items, approved by FTA on August 10, 2022, to address the following SD 22-4 finding and required action:

- **Finding 1:** MBTA has not established consistent PPE requirements for ROW access.
- **Required Action (FTA-TRA-22-001):** MBTA must establish consistent PPE requirements for ROW personnel access. Personnel is inclusive of all employees, contractors, oversight, or other individuals who access the rail system and facilities.

To implement this CAP, between August 3, 2022 and August 16, 2023, MBTA undertook the following CAP action items (and submitted documentation regarding their completion):

- Established a working group to address FTA finding and required action;
- Collected existing PPE policies throughout the MBTA;
- Reviewed and analyzed existing MBTA PPE policies;
- Created an agency-wide, consistent PPE policy;
- Distributed revised PPE policy;

- Promulgated new PPE policy, including distribution of PPE;
- Developed training materials for MBTA personnel on new PPE policy;
- Trained all affected personnel on new PPE policy;
- Developed verification process through the Safety Rules Compliance Program; and
- Completed final CAP verification.

FTA carefully evaluated the submitted documentation and reviewed submissions with MBTA during bi-weekly meetings on SD 22-4 between October 2022 and August 2023. FTA's review focused on:

- The content and issuance of *Special Order 22-244 Directive for Updated PPE Requirements* identifying minimum PPE required to access the ROW to supersede the ROW Safety Rulebook, dated July 1, 2014, and incorporation of these new requirements into the updated Rules for Operations Employees, dated August 2023;
- The inclusion of the updated minimum PPE policy in the RAC (ROW Addendum Compliant) Training, required for anyone who is currently ROW trained to access the ROW as of June 15, 2023;
- The inclusion of the updated minimum PPE policy in the revised employee 8-hour ROW Training certification, required for any person who was not previously ROW certified, or whose certification has lapsed; and
- The scheduling of RAC Training for all employees, contractors, oversight, or other individuals who access the rail system and facilities through December 31, 2023.

FTA also conducted multiple on-site verifications to verify development of ROW PPE requirements. To complete this activity, FTA:

- Confirmed that *Special Order 22-244 Directive for Updated PPE Requirements* was issued on December 1, 2022, with an effective date of February 1, 2024;
- Verified MBTA distribution of this policy to Rail Transportation personnel;
- Verified MBTA actions to communicate this policy through safety stand-downs, tool box talks, training flashes, and contractor engagement meetings;
- Observed MBTA's actions to distribute appropriate PPE, including boots and vests, to rail transportation employees and to ensure appropriate PPE is available at contract worksites;
- Reviewed and accepted training materials for MBTA's RAC Training and 8-hour ROW Training that include the new PPE requirements, and attended multiple offerings of these trainings to confirm discussion of the new PPE requirements; and
- Confirmed that MBTA also incorporated the new PPE requirements into the August 2023 update of Rules for Operations Employees, as GEN3 – PPE, RELIABLE WATCH AND FLASHLIGHT, under Section 1 – General Rules.

**Based on review of these submissions and the results of verification activity, FTA finds that these completed action items adequately satisfy the requirements of CAP FTA-TRA-22-001 and this CAP may now be closed.**

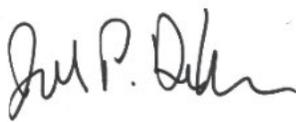
FTA notes that this CAP only includes establishing consistent PPE requirements and does not include ensuring compliance with the PPE policy, which is addressed in SD 22-4 Finding 2 and associated required action. FTA will continue to monitor MBTA's compliance with the new PPE requirements on the ROW, and also will assess MBTA's implementation of its own rules

compliance program to assess compliance with PPE requirements. Prior to closing SD 22-4, FTA will conduct final verification regarding PPE compliance and the effectiveness of MBTA's process for ensuring that workers or contractors are wearing appropriate PPE on the ROW.

### **Conclusion**

This CAP closure represents a tremendous amount of work and FTA greatly appreciates your efforts. Please 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) with any questions.

Sincerely,



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

cc: Peter Butler, Regional Administrator, FTA Region 1  
Jeff Gonneville, Deputy General Manager, MBTA  
Katie Choe, Acting Chief of Staff to the General Manager, MBTA  
Erik Stoothoff, Acting Chief Operating Officer, MBTA  
Joe Cheever, Chief, Engineering and Maintenance, MBTA  
Rod Brooks, Senior Advisor for Capital, Operations, and Safety, MBTA  
Meredith Sandberg, Deputy Chief of Quality, Compliance, and Oversight, MBTA  
Jamie Van Nostrand, Chair, Massachusetts Department of Public Utilities (DPU)  
Robert Hanson, Rail Safety Director, DPU