



U.S. Department
of Transportation

**Federal Transit
Administration**

Headquarters

1200 New Jersey Avenue, SE
Washington, DC 20590

SENT VIA EMAIL

August 19, 2025

Demetrius Crichlow, President
New York City Transit Authority
2 Broadway
New York, NY 10004

Subject: Bringing NYCT into compliance with Required Action FTA-24-6-001-1

Dear Mr. Crichlow,

The Federal Transit Administration (FTA) rejects the Metropolitan Transit Authority (MTA) New York City Transit Authority's (NYCT) second safety risk assessment (SRA), which NYCT submitted on January 27, 2025, in response to Required Action FTA-24-6-001-1 from Special Directive (SD) 24-6. As described below, the second SRA continues to employ flawed analytical approaches, as identified by FTA in NYCT's previous submission, that fail to accurately reflect actual safety risks to workers on the rail transit system. This practice essentially obfuscates risks to workers and downplays the necessity for updated worker protections. NYCT must resubmit a third SRA that conforms with operational reality and incorporates the required remediations described below.

FTA expects NYCT to meet the requirements of SD 24-6 and address safety risks to NYCT workers. Continued failure to meet the relevant deadlines, produce an adequate SRA, and address risks to workers will force FTA to take prompt enforcement action against NYCT, including withholding up to twenty-five percent of funds under 49 U.S.C. 5307 pursuant to 49 U.S.C. 5329(g) and 49 CFR Part 670. FTA will not afford NYCT an opportunity to submit a fourth SRA.

Brief background and basis for rejecting the second SRA:

Required Action FTA-24-6-001-1 directs NYCT to "conduct a comprehensive risk assessment of its [Roadway Worker Protection (RWP)] program, including information from recent safety events, and submit to FTA for review and approval." On October 11, 2024, NYCT submitted its first SRA. As detailed in FTA's rejection letter dated December 27, 2024, the initial SRA did not apply an appropriate hazard probability rating for the possibility of an employee entering the dynamic envelope of a moving train. FTA's letter communicated that FTA will not approve the SRA until FTA's concerns with the hazard probability ratings were addressed. FTA gave NYCT the opportunity to correct and resubmit the RWP.

FTA received NYCT's resubmitted SRA on January 27, 2025. However, upon review, FTA found that NYCT's second SRA continues to ignore the concerns raised in FTA's initial rejection letter. Similar to the first SRA, NYCT's revised SRA employs a flawed methodology and assumptions and therefore continues to significantly underestimate actual worker risk exposure. The SRA's calculated probability of worker-train contact in both NYCT's primary and alternate risk rating methodologies are fundamentally inconsistent with NYCT's operational experience of approximately one to two such events occurring annually. This substantial discrepancy between calculated risk and documented operational reality undermines the reliability and validity of the SRA.

The methodologies employed in NYCT's revised SRA also fail to address FTA's concern that an "improbable" likelihood rating is inconsistent with the definitions in NYCT's SRA matrix. Per the matrix, and as defined in the MIL-STD-882E Table A-II, which NYCT has adopted, an "improbable" rating is associated with a risk that is "so unlikely it can be assumed that the occurrence will not be experienced in the lifetime of an item." In the case of NYCT, with a rate of one to two events per year, this is inherently at odds with the definition.

The SRA methodologies also fail to adequately account for demonstrable escalating risk trends and exclude critical recent operational data. NYCT's revised analysis continues to encompass an 11-year period (calendar years (CY) 2013-2023), which obscures a significant acceleration in incident frequency. Specifically, five of the nine worker contact events (56 percent) occurred within the most recent three-year period (CY 2021-2023), representing an incident rate approximately 3.4 times higher than the preceding eight-year period (CY 2013-2020).

The SRA also continues to exclude near miss incidents from the exposure calculation, thereby dismissing critical leading indicators of risk that would enhance the SRA's predictive value and provide essential risk signals.

Finally, the revised SRA excludes CY 2024 operational data available at the time of the second assessment, when NYCT experienced a serious roadway worker protection event and documented continued increases in near miss incidents. The exclusion of both near miss data and recent operational data, combined with the dilutive effect of averaging across a broad 11-year analytical period, systematically understates current risk levels and fails to reflect the demonstrable upward trend in safety events that should inform appropriate risk classifications and corresponding safety mitigation strategies.

SD 24-6 is intended to address serious safety issues continuing to plague NYCT. Internal audits conducted by NYCT over the last year (pursuant to Required Action FTA-24-6-002-1) reveal numerous and recurring violations of critical RWP safety rules. NYCT's revised SRA acknowledges "the trend of near misses and incidents that are occurring are due to improper implementation of the NYCT ROW Safety Program." These violations raise serious concerns that the procedures specifically designed to mitigate underlying safety risk are not being effectively implemented.

Required remediation of the SRA:

NYCT must submit an updated revised SRA to FTA within 30 calendar days of receipt of this letter. The SRA must address the following:

- **Incorporation of recent risk trends:** The revised SRA must incorporate and analyze the demonstrated acceleration in worker contact incidents, including CY 2024 incident and near miss data.
- **Application of appropriate exposure measures:** Risk calculations in the revised SRA must be based on measures that accurately reflect actual worker risk exposure.
- **Alignment of probability classification with operational reality:** The likelihood rating must be revised to ensure it accurately reflects NYCT's documented operational experience of recurring worker-train contact events and near misses. The SRA must replace the current "improbable" classification with a classification that is consistent with actual incident frequency and the definitions in NYCT's SRA matrix and the incorporated MIL-STD-882E standard.

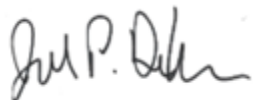
Future enforcement actions possible for further failure to come into compliance:

FTA has afforded NYCT several opportunities to submit an adequate SRA, but NYCT has repeatedly failed to do so. Continued failure to submit a compliant SRA will be treated as a refusal to comply with SD 24-6 and/or a pattern or practice of serious safety violations under 49 U.S.C. 5329(g).

Accordingly, failure to meet the relevant deadlines and produce an adequate SRA to address safety risks to workers may lead FTA to take prompt enforcement actions against NYCT in accordance with 49 U.S.C. 5329 and 49 CFR Part 670, including (1) directing NYCT to use Federal financial assistance to correct safety deficiencies; (2) withholding up to 25 percent of financial assistance under 49 U.S.C. § 5307; and (3) issuing restrictions or prohibitions as necessary and appropriate to address unsafe conditions or practices that present a substantial risk of death or personal injury.

Please contact Gibran Abifadel, Special Directive Coordinator, at Gibran.Abifadel@dot.gov with any questions.

Sincerely,



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

cc: Michael Culotta, Regional Administrator, FTA Region 2
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