



U.S. Department
of Transportation

**Federal Transit
Administration**

Headquarters

1200 New Jersey Avenue, SE
Washington, DC 20590

SENT VIA EMAIL

April 26, 2024

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

Subject: SD 22-6 Corrective Action Plan FTA-OCC-22-007 Action Item 5 - Incomplete Submission

Dear Mr. Eng:

On March 29, 2024, the Massachusetts Bay Transportation Authority (MBTA) made a submission to address an action item under a Corrective Action Plan (CAP) to address the following finding and required action included in Special Directive 22-6:

- **Finding:** MBTA allows dispatchers who are not current in their certifications to work in the [Operations Control Center (OCC)].
- **Required Action:** MBTA must verify that all dispatchers working within the OCC are current in their certifications prior to starting their shift.

As part of this CAP, MBTA established Action Item 5, Specialized Dispatcher Certification, which it described as “Develop Heavy & Light Rail dispatcher recertification program that is unique to job classification.” As part of this CAP, which FTA approved on July 29, 2022, MBTA committed to completing this Action Item by January 1, 2024. On November 6, 2023, FTA accepted MBTA’s request for relief by extending the due date for this action item to March 1, 2024. On March 14, 2024, FTA accepted MBTA’s additional request for relief by again extending the due date to March 29, 2024.

The submission provided on March 29, 2024, included an overview of the dispatcher certification process, MBTA’s initial scope for recertification, and next steps, including a Request for Proposal for instructional design consultants to develop this training. **This submission does not fulfill the Action Item. FTA expected that MBTA would submit a fully developed recertification program by the specified date, rather than a plan for developing the recertification program. MBTA's status updates during monthly meetings did not accurately depict the progress of this action item nor suggest the action item would not be complete by the due date.**

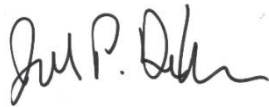
FTA is not accepting the submission from MBTA and requires MBTA to resubmit the Action Item when the program has been developed. In the interim, MBTA must submit a recovery plan to FTA within ten business days of the date of this letter. This recovery plan should include a realistic timeline for when MBTA will complete the Action Item and an interim process for dispatcher recertification to ensure OCC dispatchers demonstrate the capacity to ensure safe operations of the system.

FTA expects MBTA to fulfill the intent of the Action Items and the due dates committed to in the CAPs and to submit only complete submissions. While FTA will consider requests for additional time to complete Action Items, such requests must be made in a timely manner, at a minimum of 30 days ahead of the due date.

Failure to fulfill the requirements of the Special Directive, including satisfactory and on time completion of CAPs and associated Action Items may result in enforcement action, including but not limited to (1) directing MBTA to use Federal financial assistance to correct safety deficiencies; (2) withholding up to 25 percent of financial assistance to MBTA under 49 U.S.C. § 5307; and (3) issuing restrictions or prohibitions (e.g., mandatory speed restrictions, shutdown of a rail line, or complete system shutdown) as necessary and appropriate to address unsafe conditions or practices that present a substantial risk of death or personal injury.

Should you have any questions or require additional clarification, please do not hesitate to contact our Safety Management Inspection Coordinator, Christian Hernandez, at christian.hernandez@dot.gov or (213) 552-3494.

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
Tim Lesniak, Chief Safety Officer, MBTA
Meredith Sandberg, Chief of Quality, Compliance, and Oversight, MBTA
Natasha Vance, Deputy Chief of Quality, Compliance, and Oversight, MBTA
Pat Lavin, Chief Safety Officer, Massachusetts Department of Transportation
Jamie Van Nostrand, Chair, Massachusetts Department of Public Utilities (DPU)
Robert Hanson, Rail Safety Director, DPU