



The Role of the Department of Public Utilities as the State Safety Oversight Agency

PRESENTATION TO THE MBTA BOARD OF DIRECTORS
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State Safety Oversight Agency

Every state that has a rail fixed guideway public transportation system (RFGPTS) must establish a State Safety Oversight Agency (SSOA). The primary responsibility of the SSOA overseeing the safety of the RFGPTS system.

In MA, the Department of Public Utilities (DPU) is the SSOA. The powers and duties of the SSOA are in federal and state regulations. *

The SSOA must be *financially and legally independent from the transportation agency.* * *

The Federal Transportation Administration (FTA) certifies whether the SSOA is qualified. The FTA oversees the activities of the SSOA.

* 49 CFR §659, 49 CFR §674, 220 CMR §151.

**49 USC §5329(e), 49 CFR §674.13



SSOA Powers and Duties

A State Safety Oversight Agency must:

- Investigate or oversee the investigation of accidents;
- Set notice requirements for accidents
- Review and approve the MBTA's Corrective Actions
- Review and approve the Public Transportation Agency Safety Plan* (PTASP); also approved by the MBTA's BoD
- Conduct a triennial audit to assess compliance with the PTSAP

SSOA may select any safety topic for field observations, document review or other research.

* 49 CFR §673



Accident Investigation

- The DPU must investigate or require an investigation of any accident and is ultimately responsible for the *sufficiency and thoroughness* of all investigations.
- The Department may conduct an independent investigation or monitor an investigation conducted by the MBTA.
- If the DPU requires the MBTA to investigate an accident, the DPU must conduct an independent review of the MBTA's findings of causation.
- If the NTSB investigates, the DPU participates as a party to the investigation.



Accident Investigation

To assess *sufficiency and thoroughness*, DPU may:

- attend accident to collect preliminary information and begin observing the MBTA's investigation activities
- issue Information Requests for documents, video/audio tape and conduct record reviews
- observe field activities, such as equipment testing, track measurements
- attend after action and fact-finding meetings

DPU must:

- review the final investigation report to determine whether the identified cause consistent with information obtained through the investigation
- assess if the MBTA's corrective actions are sufficient to address the cause



Other monitoring activities by the SSOA

- Conduct own field activities
- Observe Safety Rules Compliance Program activities
- Track and monitor implementation of Corrective Actions
- Have consistent communication with MBTA Safety by regularly attending meetings
- Carry out directives from the FTA to collect data from the MBTA or require MBTA to conduct specific, safety-related activities



Public Transportation Agency Safety Plan Implementation

- Introduction of a Safety Management System (SMS) is required by FTA in regulations (49 CFR 670)
- SMS is a “formal, top-down, organization wide, data driven” approach to safety and identifying risks and hazards
- SMS - changing organizational culture so that safety is everyone’s job—identifying risks and hazards for purpose of preventing an accident, injury, damage
- Implementing SMS - top priority of the entire organization



Summary

- MBTA Safety responds promptly to DPU inquiries (requests for information, meetings, site visits), and the relationship between MBTA Safety and DPU is collaborative
- MBTA Safety has an enormous job leading the MBTA toward a stronger safety culture by implementing Safety Management System
- MBTA Safety needs continued support from the highest levels of the organization so that safety is the first priority