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Karyn E. Polito, Lieutenant Governor
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Steve Poflak, General Manager



MASSACHUSETTS BAY TRANSPORTATION AUTHORITY MEETING OF THE SAFETY, HEALTH AND ENVIRONMENT SUBCOMMITTEE

April 14, 2022 at 11:00 a.m.

This meeting was held virtually in accordance the law recently signed by the Governor permitting public bodies to continue to hold meetings remotely. Public participation and comment was available via written communication, voice message and live public comment through conference call.

This meeting was broadcast virtually.

BOARD MEMBERS PARTICIPATING: Chair Scott Darling, Director Robert Butler, Director Mary Beth Mello

OTHERS PRESENT: General Counsel Marie Breen, Chief Counsel Kevin Scanlon, and Noah Potash, Esq.

PRESENTERS PARTICIPATING REMOTELY: Deputy Director of Safety Oversight and Planning Matthew DeDenato, Chief Safety Officer Ronald Ester, and Director of Safety Engineering John Connell

Call to Order by the Chair

Chair Darling called the meeting of the Massachusetts Bay Transportation Authority ("MBTA") Safety Subcommittee to order at 11:04 a.m.

Noah Potash called the roll of the Members participating, being a quorum of the MBTA's Safety Subcommittee:

Chair Darling	Present
Director Butler	Present
Director Mello	Present

Chair Darling turned to the approval of the minutes of the March 11, 2022 meeting.

On motion duly made and seconded, it was by roll call:

VOTED: to approve the minutes of the March 11, 2022 Meeting of the Safety, Health and Environment Subcommittee.

Chair Darling	Yes
Director Butler	Yes
Director Mello	Yes

Presentations and Discussion

For Agenda Item 1, Director of Safety Engineering John Connell presented an overview of the Safety Department's Engineering Team. Director Butler asked if staff track injuries related to Transit Oriented Development and Mr. Connell said that all major incidents are tracked. Director Butler asked for information on those incidents and expressed condolences to the families of Robinson Lalin and Peter Monsini, calling both deaths tragic. Chair Darling said that the subcommittee shared those thoughts. Director Butler asked whether the Safety Engineering Team has enough staff to review all construction projects. Mr. Connell said that staff would love having additional employees on the team. Director Butler said the Department should hire more engineers as needed. Chief Ester noted that the Department has begun having projects hire a full-time safety individual who reports back to the Department. Chair Darling asked if the MBTA charges developers for monitoring safety issues at Transit Oriented Developments and Mr. Connell said that developers generally must pay a license fee and for incidents. Chair Darling suggested exploring mechanisms to pass safety inspection costs on to developers. Chair Darling asked for a flowchart and a list explaining the processes and tools

the Engineering team uses for construction oversight. He also asked Chief Ester to provide an update on Safety Certification before the Safety Certification plan is released.

Next, Chief Safety Officer Ron Ester presented on new safety requirements in the Bipartisan Infrastructure Law (BIL) for Agenda Item 2. Director Mello noted that the MBTA has a robust safety plan and that the BIL changes enhance safety. Director Butler suggested that staff seek federal funding to support required changes in safety training. Chair Darling asked about the Department's plan to minimize exposure to infectious diseases and asked for a review of information on exposure and a briefing on audit procedures. Chair Darling asked for the subcommittee to be briefed before the BIL-required Safety Committee is established. In response to a question from Director Butler, Chief Ester said the Safety Committee is planned to have 8 to 10 members. Chair Darling asked to review the new committee's charter and to see the Agency's comprehensive safety plan.

Deputy Director of Safety Oversight Matthew DeDenato presented Agenda Item 3, the Safety Data Analysis Report ("SDAR") for February. Chair Darling asked for future presentations to break out customer injuries by bus route. Responding to a question from Director Mello, Chief Ester said that the escalator audit is still being drafted and that he would update the subcommittee. Chair Darling said that if any modes miss their safety performance indicators for three consecutive months, he would like an explanation of how the issue will be fixed. Chair Darling asked for an update on the 2021 Internal Audit, a presentation on the

Material Handling & Storage Program that was presented to the Safety Management Review Committee (SMRC), and a schedule for Safety Management System (SMS) implementation.

The final item on the agenda was an executive session to discuss strategy with respect to litigation. Chair Darling said that he had determined, and the General Counsel concurred, that discussion of these matters in open session may have a detrimental effect on the litigating position of the MBTA. He noted that the subcommittee would not return to open session.

On motion duly made and seconded, it was by roll call:

Chair Darling	Yes
Director Butler	Yes
Director Mello	Yes

VOTED: to enter executive session to discuss strategy with respect to litigation at 12:18 p.m.

Documents relied upon for this meeting:

- April 14, 2022 MBTA Safety subcommittee Agenda
- Minutes of the March 11, 2022 Safety subcommittee meeting
- Safety Subcommittee Mtg 4.14.22 – February SDAR
- Safety Subcommittee Mtg 4.14.22 – Safety Engineering
- Safety Subcommittee Mtg 4.14.22 – Bipartisan Infrastructure Law