



U.S. Department
of Transportation
**Federal Transit
Administration**

Headquarters

1200 New Jersey Avenue, SE
Washington, DC 20590

SENT VIA EMAIL

November 6, 2023

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

Subject: Response to Request for Relief for Special Directives: 22-5, 22-6, 22-7, 22-9, 22-11, 22-12; CAP 23-12 and Immediate Action Letter Requirements

Dear Mr. Eng:

On September 29, 2023, the Federal Transit Administration (FTA) received a request for relief from the Massachusetts Bay Transportation Authority (MBTA) for 62 action items included in Corrective Action Plans (CAPs) for Special Directives (SDs): 22-5, 22-6, 22-7, 22-9, 22-11, 22-12, CAP 23-12 and three requirements from FTA's April 18, 2023 Immediate Action Letter (IAL). These action items and their original due dates previously were approved by FTA in earlier correspondence related to the noted SDs and IAL.

MBTA recently has implemented significant changes within its leadership team designed to align its organization with MBTA's top priorities of ensuring safe access to the right of way (ROW) and addressing critical track repair work. FTA understands that these new organizational changes, combined with the MBTA's extensive response to the additional Immediate Action Letter issued by FTA on September 14, 2023, will support critical enhancements of MBTA safety. Further, FTA recognizes that these changes and additional actions will have a schedule impact on the submissions of the action items specified in MBTA's relief request.

FTA has carefully reviewed the proposed request for relief for the action items for the identified SDs and IAL requirements. FTA is approving the revised due dates for 43 action items and two IAL requirements; is conditionally approving the relief request for 18 action items and one IAL requirement; and is denying the relief request for one action item as shown on Table 1 below.

The enclosed CAP Evaluation Matrix 9-29-23 Relief Request identifies additional requirements MBTA must meet for those action items with conditional approval. MBTA is not required to resubmit documentation confirming the additional requirements. The request for relief of Special Directive 22-7 – FTA-LC-22-003 - Formal Training and Certification Manuals Action Item is not approved since this submission is critical to the safety of MBTA frontline workers. For detailed comments, please review the enclosed CAP Evaluation Matrix 9-29-23 Relief Request.

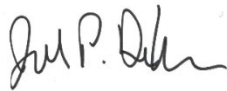
Table 1: Number of Action Items per Special Directive and Requirements per Immediate Action Letter

<i>Approved</i>	<i>Conditionally Approved</i>	<i>Not Approved</i>
SD 22-5 (3) Action Items	SD 22-5 (6) Action Items	SD 22-7 (1) Action Item
SD 22-6 (1) Action Item	SD 22-7 (1) Action item	
SD 22-9 (3) Action Items	SD 22-9 (7) Action Items	
SD 22-11 (9) Action Items	SD 22-12 (4) Action Items	
SD 22-12 (8) Action Items	IAL (1) Requirement	
CAP 23-12 (19) Action Items		
IAL (2) Requirements		
Total (45) Action Items	Total (19) Action Items	Total (1) Action Item

FTA will update the new submissions deadlines for the action items and IAL requirements approved through this letter. FTA will update relevant deadlines and documentation to include the additional requirements specified as part of conditionally approved action items.

Please contact our Safety Management Inspection Coordinator, Erin Powell, by phone at (771) 200-8016 or by email at Erin.Powell@dot.gov with any questions.

Sincerely,



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

Enclosure: Corrective Action Plan (CAP) Evaluation Matrix 9-29-23 Relief Request

- cc:
- Peter Butler, Regional Administrator, FTA Region 1
 - Ryan Coholan, Chief Operating Officer, MBTA
 - Doug Connett, Chief of Infrastructure, 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
 - Sam Zhou, Chief Engineer, 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