

Good morning, Senators Warren and Markey.

Thank you for your attention to the Federal Transit Administration's oversight efforts to improve the quality and safety of the Massachusetts Bay Transportation Authority's (MBTA) rail system.

As is often noted by Secretary Buttigieg, safety is our North Star at the U.S. Department of Transportation. At FTA, our primary responsibility is to ensure people are safe on the billions of annual transit rides they take each year, while also ensuring a safe working environment for transit workers. We accomplish this in several ways:

1. Investing in capital infrastructure and rolling stock at transit agencies;
2. Reviewing the oversight provided to transit agencies by State Safety Oversight Agencies, which have primary responsibility for the safety of rail transit operators;
3. Conducting detailed examinations into specific safety issues to determine the appropriate action to mitigate these issues.

The last point is why we're here today, and it's why FTA began a Safety Management Inspection of the Massachusetts Bay Transportation Authority's rail system. Following that inspection, FTA issued eight safety directives to MBTA identifying areas of safety focus. Importantly, two directives were also issued to MBTA's State Safety Oversight Agency, the Massachusetts Department of Public Utilities (DPU).

By Federal law, the DPU is responsible for day-to-day oversight of the MBTA, ensuring rail operations in the Commonwealth are safe—every ride, every day.

Transit agencies like the MBTA make the day-to-day decisions on how, who, what, where, and when they maintain and operate their systems. The safety of passengers and workers cannot be compromised by these decisions.

Earlier this year, MBTA experienced a concerning rate of reportable safety events including derailments, train collisions, injuries and fatalities. The pattern and number of serious incidents indicated that safety risk was headed in an unacceptable direction. Importantly, FTA also became concerned about the efficacy of DPU's oversight of MBTA.

With those concerns in mind, particularly due to concerns about the quality of DPU's oversight, FTA initiated a Safety Management Inspection (SMI) of both the MBTA rail operations and DPU's oversight.

The SMI focused on MBTA's processes, procedures, and resources regarding safety decision-making, and how the DPU oversees the MBTA's safety performance.

On August 31, FTA issued an SMI report identifying 24 findings (20 to MBTA and 4 to DPU) in 5 categories (4 to MBTA and 1 to DPU) that require continued attention and resources from both the MBTA and DPU to prioritize safety and to ensure system maintenance that supports safe operations. At that time FTA issued four additional special directives to the T, for a total of eight, along with an additional special directive to the DPU.

FTA instructed the DPU to enforce the safety requirements specified in the Special Directives issued to the MBTA and to enhance their oversight, including a reassessment of DPU's staffing and capacity.

We expect that the DPU and the MBTA will coordinate work to quickly begin developing and prioritizing corrective actions that will address the findings and required actions identified in the SMI report. FTA will continue to monitor and track the MBTA and DPU's performance in implementing the Special Directives.

As the MBTA addresses FTA's Special Directives, it, like all transit agencies, must also consider and adequately support both safety and service. Our report indicated, in part, that MBTA was not adequately staffed, across the agency, to meet the demands of both an aggressive capital expansion program and the basic day-to-day safe operation of the system. Properly aligning the staffing of an agency, within the funding available, is absolutely critical to keep a rail transit system in a proper state of good repair. Even with COVID relief funds awarded to the system, the staffing resources were not properly aligned to perform important maintenance.

FTA found that the MBTA's Operations Training Department is significantly understaffed and, while recent improvements have been made, additional resources are required to update rules, procedures, and training and to monitor the performance and recertification of MBTA's operations.

The Special Directives are intended to ensure that the MBTA prioritizes the repair of safety-critical assets and that DPU provides ongoing, effective oversight of the MBTA.

Regularly maintained transit systems mean better service and improved safety for riders. They're on-time more often, and fail less frequently.

The path forward for the MBTA will require community buy-in. As the T improves, it will need the support of its Board, and patience from the riding public and stakeholders. Tough decisions will have to be made now, to create a better, safer future. There will be service impacts the public will feel, but support and understanding will help ensure appropriate stewardship of the system.

While FTA's SMI inspection of the MBTA has concluded, our focus on safety, and our support for improving it at the MBTA, will not stop. Since it was handed the mantle of ensuring passenger and transit worker safety throughout this country, FTA has led the way for agencies all over the country. We will continue to do that, with more funding to create even safer systems.

Thanks to President Biden, and Congress's passage of the Bipartisan Infrastructure Law, FTA received a seventy two percent increase in funding, more than \$21 billion over the next five years, to invest in the State of Good Repair of transit assets and systems throughout the United States.

The MBTA receives \$415 million in FTA formula funding each year, including \$224 million in State of Good Repair formula funding.

The DPU receives more than \$2 million in FTA State Safety Oversight formula funds each year. The DPU is also certified and funded by the FTA to conduct proper oversight, and the agency must be accountable to that role.

FTA will continue investing in transit throughout Massachusetts, working closely with the MBTA and the DPU to ensure the highest level of safety for users and employees of the system.

Thank you again for your attention to improving transit through these shared goals of safety and service.