

Senator Warren Opening Statement

This hearing will come to order. *[Gavel]*

Welcome to a hearing of the Senate Banking, Housing, and Urban Affairs' Subcommittee on Economic Policy.

Public transportation is an essential service that directly influences economic growth and access to employment in Boston and other U.S. cities, which are key issues for the Economic Policy Subcommittee. That's why I thought it was crucial to convene this hearing about the state of the T and invite my good friend, Senator Markey, to join me.

The T is the beating heart of Greater Boston. Millions of people rely on it to get to work, to school, to our stores and restaurants, to go to the game, to visit friends and family—and to make it back home. The T helps cut pollution, and, without it, Boston traffic would be even worse. Without the T – which, in one form or another, has been around for over 150 years – our city and our Commonwealth would not be the same.

For generations, we have relied on the T, and we have counted on the people and organizations in charge to make it work for us – to make the buses and trains run safely and on time. But we can no longer rely on the T. The T is failing.

In the last two years, there has been a series of dangerous and even deadly collisions, derailments, and accidents on the T. Multiple derailments on the red line. A collision on the green line that injured dozens. Workplace injuries. A horrific death when a red line passenger was caught in a door and dragged off a platform.

Finally, the federal government stepped in. The Federal Transit Administration, or FTA, conducted an in-depth study and concluded that, in this two-year period, there were [quote] “numbers and rates of derailments and collisions on the MBTA rail transit system that far

exceed industry average and the safety performance of MBTA's peer transit systems.”

The list of management failures is a long one.

After the April 2022 fatality on the Red Line, the Federal Transit Administration opened a broad safety investigation of the MBTA, and the Massachusetts Department of Public Utilities, or DPU, which is responsible for oversight of the T.

The results of that investigation were released in August, and it is a long and scary list of problems. Just a partial list of troubles that FTA identified includes:

- MBTA does not have enough staff to carry out current operations – and that the agency has – quote – “not demonstrated the organizational capacity to recruit and hire personnel.”
- FTA found that, quote, “Operating and maintenance rules and procedures are not implemented as required, and that technical training is “underresourced...without sufficient resources and ...lacks oversight.”
- FTA found that MBTA was not conducting adequate oversight of its contractors.
- FTA found that safety risk assessment guidance was ambiguous and confusing, that management tools were not up to the task of addressing safety risks, and that MBTA's investigations of safety problems were not looking at all the right information.

And FTA really laid into the T's management, finding that – and again, I quote: “MBTA's Executive Management does not consistently ensure its decisions related to safety risks are based on safety data analysis or documented facts.” Simple translation? When it comes to safety, the T's management is just making it up.

And there's more. There is another state agency responsible for oversight of the T, the Department of Public Utilities. For over 50 years, DPU has been responsible for oversight of equipment safety and operations at MBTA. In other words, DPU is responsible for managing the management of MBTA.

But here's what FTA had to say about how badly DPU does its job:

- FTA found that the DPU does not use its resources effectively to identify and resolve safety risks.
- FTA found that DPU lacks independence from MBTA.
- FTA found that “DPU has not used its authority to ensure the identification and resolution of safety issues at MBTA.”

And FTA reached a simple and devastating conclusion. Again, I quote, according to FTA, “DPU has not demonstrated an ability to address [MBTA] safety issues and concerns.”

Overall, the FTA analysis contained 20 findings regarding safety problems at MTBA and provided the agency with a list of 53 actions required to address these concerns. It also contained 4 findings regarding DPU's failures and provided DPU with a list of 9 actions required to address these concerns. And by the way, FTA also found that seven leftover action items from a 2019 audit of DPU were **still** unresolved.

This is a dangerous situation that has been allowed to fester for far too long. We are here today at our field hearing to examine management of the MBTA and DPU and to press for change.

Every single FTA action item needs to be checked off – immediately. But that alone is not enough. The people of Massachusetts need a safe system, but they also need a transit system that works—a system that is reliable, accessible, frequent, dependable, clean, and that gets you where you need to go without crazy delays.

Here's the good news: Thanks to the Bipartisan Infrastructure Law, we've got the resources to do it – that law will provide \$580 million for modernization and safety improvements at MBTA. In addition, Massachusetts currently has a massive tax revenue surplus.

But here's the bad news: We can't just buy our way out of these problems and wish our way to a T that works. We need the right leadership in place at MBTA and DPU so that we can have a functioning T that riders throughout the region can depend on.

I know we have the right leadership in the Mayor of Boston, and I appreciate Mayor Wu joining us today to talk about the importance of the T for the city and the whole metro area. We also have excellent leadership from the community. I appreciate Jarred Johnson of Transit Matters being here to discuss the scope of the T's problems and their impact on residents of our community.

I also want to thank Administrator Fernandez of the FTA for accepting my invitation to join us in Boston today. The FTA report on MBTA safety is a bombshell. She will help explain what the agency found, and what role they will play in getting it fixed.

And finally, I'm glad Mr. Poftak, the MBTA General Manager, and Mr. Nelson, the DPU Chair, also accepted my invitation to appear as witnesses. We need to hear firsthand from them about how the MBTA got into this mess, and how DPU allowed it to happen – and find out what they are doing to clean it up and get it back on track. That's why I invited them to testify before this subcommittee: so the public can hold the MBTA and DPU to account.

Thank you to our witnesses, and I will now turn it over to Senator Markey for his opening statement. Senator Markey, I am so glad you were able to join me at this hearing – thank you for coming.