

United States Senate

WASHINGTON, DC 20510

September 12, 2023

James M. Van Nostrand
Chair
Massachusetts Department of Public Utilities
1 South Station
5th Floor
Boston, MA 02110

Philip Eng
General Manager and CEO
Massachusetts Bay Transportation Authority
209 Burlington Road, Suite 113 Bedford,
MA 01730

Dear Mr. Van Nostrand and Mr. Eng:

We write to discuss the Massachusetts Department of Public Utilities' (DPU) and Massachusetts Bay Transportation Authority's (MBTA, the T) progress in addressing the safety and operating concerns that we raised in the field hearing of the U.S. Senate Banking, Housing, and Urban Affairs Committee Subcommittee on Economic Policy in Boston, Massachusetts on October 14, 2022.

At the hearing, we learned about how the severity of the MBTA's problems led the Federal Transit Administration (FTA) to open a Safety Management Inspection (SMI) in April 2022, which was only the second of its kind in the history of the FTA.¹ The SMI and FTA Administrator Fernandez's testimony during the hearing revealed a pattern of leadership failures within both the MBTA and the DPU that led to train collisions, derailments, injuries, and fatalities.² It was clear that the MBTA was in a state of crisis and that the damage of underfunding and poor leadership would take time to undo.

We are encouraged to see progress made in recent months under the new MBTA General Manager and CEO Phillip Eng. We appreciate his comments that "we are going to be persistent

¹ U.S. Department of Transportation, Federal Transit Administration, "Safety Management Inspection - Final Report, Massachusetts Bay Transportation Authority/Massachusetts Department of Public Utilities," August 31, 2022, https://www.transit.dot.gov/sites/fta.dot.gov/files/2022-08/FTA-Safety-Management-Inspection-Report-for-MBTA-and-DPU_0.pdf; WCVB, "Federal Transit Administration report highlights deficiencies in MBTA safety, staffing, training," August 31, 2022, <https://www.wcvb.com/article/mbta-fta-report-released-massachusetts-public-transportation-safety/40929222>

² U.S. Department of Transportation, Federal Transit Administration, "Safety Management Inspection - Final Report, Massachusetts Bay Transportation Authority/Massachusetts Department of Public Utilities," August 31, 2022, https://www.transit.dot.gov/sites/fta.dot.gov/files/2022-08/FTA-Safety-Management-Inspection-Report-for-MBTA-and-DPU_0.pdf; Senate Committee on Banking, Housing, and Urban Affairs Subcommittee on Economic Policy, "Economic Impacts of Inadequate Transit Maintenance and Oversight: Examining Management Failures at the Massachusetts Bay Transportation Authority and the Massachusetts Department of Public Utilities," Testimony of The Honorable Nuria Fernandez, Administrator, Federal Transit Administration, October 14, 2022, <https://www.banking.senate.gov/hearings/economic-impacts-of-inadequate-transit-maintenance-and-oversight-examining-management-failures-at-the-massachusetts-bay-transportation-authority-and-the-massachusetts-department-of-public-utilities>; Written testimony of The Honorable Nuria Fernandez, Administrator, Federal Transit Administration to the U.S. Senate Committee on Banking, Housing, and Urban Affairs, October 14, 2022, <https://www.banking.senate.gov/imo/media/doc/Fernandez%20Testimony%2010-14-22.pdf>

and determined and [riders] will see a system that they can be proud of,”³ and that this philosophy is beginning to yield results. Reports indicate that between April 2023—when Mr. Eng took over as MBTA General Manager—and June 2023, the “overall number of subway slow zones [was] down” and that travel times “improved significantly” between May and June.⁴ We also appreciate the steps the MBTA has taken to improve transparency and communication with the public. In particular, we are pleased to see the MBTA following through on the commitments made during last year’s hearing to detail the progress toward addressing the Federal Transit Administration’s safety directives,⁵ and to publish data related to speed restrictions across the subway system.⁶

In addition to improving the reliability of the system, the MBTA has worked to expand access to public transit. The T has been working to hire new bus drivers, safety staff, and senior managers.⁷ To reduce staffing shortages, increase service, and better provide for its workers, the MBTA ratified a new agreement with Boston Carmen’s Union Local 589 to raise the starting wage for bus drivers to \$30 an hour—the highest among large U.S. transit agencies.⁸ Further, there are positive signs around the expansion of commuter rail service, including New Bedford officially joining the MBTA, with hopes of South Coast Rail passenger trains starting to run later this year.⁹ Effective, reliable, and expanded service is crucial to increasing ridership, as the temporary closure of the Sumner Tunnel demonstrated. We are pleased that the MBTA explored new policies to encourage the use of public transit during the closure, including by offering reduced fares on the commuter rail and making the Blue Line and East Boston Ferry fare-free for the duration of the shutdown.¹⁰ And we appreciated Mr. Eng’s recent announcement of the MBTA’s “values, goals, and metrics to improve safety, service, equity, sustainability, and

³ NBC Boston, “Fire under MBTA Red Line train car leads to service interruptions,” Alysha Palumbo and Matt Fortin, July 13, 2023, <https://www.nbcboston.com/news/local/delays-on-red-line-fire-department-responds-to-charles-mgh-station/3088269/>

⁴ Politico, “Keeping T progress on track,” Lisa Kashinsky, June 5, 2023, <https://www.politico.com/newsletters/massachusetts-playbook/2023/06/05/keeping-t-progress-on-track-00100165>; NBC Boston, “MBTA has few answers for lawmakers’ questions about slow zones, repairs,” Chris Lisinski, June 27, 2023, <https://www.nbcboston.com/news/local/mbta-has-few-answers-for-lawmakers-questions-about-slow-zones-repairs/3077280/>

⁵ MBTA, “FTA Safety Management Inspection Response,” <https://www.mbta.com/quality-compliance-oversight/fta-safety-management-inspection-response>

⁶ MBTA, “Speed Restrictions,” <https://www.mbta.com/performance-metrics/speed-restrictions>

⁷ Politico, “Keeping T progress on track,” Lisa Kashinsky, June 5, 2023, <https://www.politico.com/newsletters/massachusetts-playbook/2023/06/05/keeping-t-progress-on-track-00100165>; Boston Globe, “To address worker shortage, MBTA to hire new bus drivers to full-time positions,” Laura Crimaldi, May 25, 2023, <https://www.bostonglobe.com/2023/05/25/metro/address-worker-shortage-mbta-hire-new-bus-drivers-full-time-positions/>; Commonwealth Magazine, “T officials urge riders to be patient,” Bruce Mohl, June 1, 2023, <https://commonwealthmagazine.org/transportation/t-officials-urge-riders-to-be-patient/>

⁸ Boston Globe, “MBTA bus drivers are getting a raise as agency struggles to staff up, restore service,” Taylor Dolven and Travis Andersen, August 2, 2023, <https://www.bostonglobe.com/2023/08/02/metro/mbta-contract-calls-for-18-percent-pay-hike-over-4-years>

⁹ Boston.com, “Ballot question wins in New Bedford, Fall River pave way for South Coast Rail,” Abby Patkin, November 9, 2022, <https://www.boston.com/news/local-news/2022/11/09/south-coast-rail-new-bedford-fall-river-mbta/>

¹⁰ MDOT, “ICYMI: MassDOT Expands Alternative Travel Options Ahead of Sumner Tunnel Closure,” July 3, 2023, <https://www.mass.gov/news/icymi-massdot-expands-alternative-travel-options-ahead-of-sumner-tunnel-closure>

culture,” which were “developed through a collaborative process with MBTA staff and stakeholders.”¹¹

These are all key steps toward a safer, more reliable, and more accessible T. However, there is still more work to be done. With the shared goal of fixing Greater Boston’s public transit system, it is crucial that we work together to remain vigilant regarding the continued safety and reliability challenges faced by the MBTA and its riders. Specifically, we write today to gather information on recent reports of ongoing safety issues and service interruptions, including:

- On April 10, 2023, a man was struck and killed by a Commuter Rail train at the Salem Commuter Rail station;¹²
- On April 13, 2023, a track worker was struck by a 2000 lb. counterweight on the Blue Line and hospitalized;¹³
- On May 1, 2023, an out-of-use utility box fell at the Harvard MBTA station, injuring a woman who is now planning to file a lawsuit against the MBTA;¹⁴
- On May 31, 2023, a man was run over and killed by a Green Line trolley at North Station;¹⁵
- On June 7, 2023, the door of a train was wide open while in motion towards the North Quincy stop;¹⁶

¹¹ MBTA, “MBTA Announces Vision to Improve Safety, Service, Equity, Sustainability, and Culture,” August 24, 2023, <https://www.mbta.com/news/2023-08-24/mbta-announces-vision-improve-safety-service-equity-sustainability-and-culture>

¹² Politico, “Keeping T progress on track,” Lisa Kashinsky, June 5, 2023, <https://www.politico.com/newsletters/massachusetts-playbook/2023/06/05/keeping-t-progress-on-track-00100165>; The Salem News, “One man killed by MBTA train, another escapes injury on tracks,” April 11, 2023, https://www.salemnews.com/news/one-man-killed-by-mbta-train-another-escapes-injury-on-tracks/article_e53457a8-d8c3-11ed-bc03-c73904db0f0f.html

¹³ Politico, “Keeping T progress on track,” Lisa Kashinsky, June 5, 2023, <https://www.politico.com/newsletters/massachusetts-playbook/2023/06/05/keeping-t-progress-on-track-00100165>; Boston Herald, “MBTA releases documents detailing worker safety failures,” Gayla Cawley, June 2, 2023, <https://www.bostonherald.com/2023/06/02/mbta-releases-documents-detailing-worker-safety-failures/>

¹⁴ NBC Boston, “Woman Hurt When Utility Box Falls at Harvard MBTA Station,” Michael Rosenfield, May 2, 2023, <https://www.nbcboston.com/news/local/injuries-reported-after-piece-of-equipment-falls-at-harvard-mbta-station/3035143/>; Politico, “Keeping T progress on track,” Lisa Kashinsky, June 5, 2023, <https://www.politico.com/newsletters/massachusetts-playbook/2023/06/05/keeping-t-progress-on-track-00100165>; Boston Herald, “Woman struck by falling utility box on Boston’s MBTA to file lawsuit,” Chris Van Buskirk, May 10, 2023, <https://www.bostonherald.com/2023/05/10/woman-injured-after-utility-box-fell-at-harvard-station-to-file-lawsuit-against-mbta/>

¹⁵ Politico, “Keeping T progress on track,” Lisa Kashinsky, June 5, 2023, <https://www.politico.com/newsletters/massachusetts-playbook/2023/06/05/keeping-t-progress-on-track-00100165>; CBS News Boston, “Man killed by Green Line trolley at North Station identified as Adam White of Sherborn,” WBZ-News Staff, May 31, 2023, <https://www.cbsnews.com/boston/news/adam-white-man-killed-kicks-green-line-trolley-north-station-boston-massachusetts/>

¹⁶ NBC Boston, “Red Line train in motion with end door open,” June 9, 2023, <https://www.nbcboston.com/news/local/watch-red-line-train-in-motion-with-end-door-open/3064228>

- On June 12, 2023, a Green Line train derailed near Packard’s Corner;¹⁷
- On June 26, 2023, debris nearly hit a man on the train platform at Downtown Crossing;¹⁸
- On June 28, 2023, Orange Line trains were suspended between North Station and Back Bay for 90 minutes after “an issue with the third rail” caused an “apparent fire”;¹⁹
- On July 13, 2023, a fire under a train led to service impacts for MBTA riders; and²⁰
- On August 2, 2023, a MBTA employee was injured in an “arc flash” incident.²¹

As one report states, “Trains here have come dangerously close to hitting workers, prompting harsh intervention from federal regulators already scrutinizing the T. Parts of ceilings at crumbling subway stations keep falling, imperiling riders waiting below. The regular drumbeat of service cuts, derailments, and new slow zones hasn’t let up. And many long-awaited projects like the new Red and Orange Line cars, a modern fare collection system, and electric bus garages remain seemingly stuck in limbo.”²² While the percent of subway track with speed restrictions had declined from March to June 2023, it has since increased, with more speed restrictions added system-wide in August than were removed that month.²³ Specifically, the average speed on the Red Line over the last year has dropped from 18 miles per hour to 12 miles per hour,²⁴ and on the

¹⁷ NBC Boston, “Green Line trolley derails near Packard’s Corner in Allston,” Marc Fortier, June 12, 2023, <https://www.nbcboston.com/news/local/green-line-trolley-derails-near-packards-corner-in-boston-mbta-says/3066175>

¹⁸ NBC Boston, “Video shows debris nearly hitting man at Downtown Crossing MBTA station,” Mike Pescaro, June 30, 2023, <https://www.nbcboston.com/news/local/watch-video-shows-debris-nearly-hitting-man-at-downtown-crossing-mbta-station/3080457/>

¹⁹ NBC Boston, “Apparent fire on MBTA Orange Line tracks in Boston causes major delays,” Asher Klein, June 28, 2023, <https://www.nbcboston.com/news/local/apparent-fire-near-mbta-orange-line-station-in-boston-service-suspended/3078088/>; Boston Globe, “Orange Line service between North Station and Back Bay resumes after third rail issue sparks fire,” Travis Andersen and Kate Armanini, June 28, 2023, <https://www.bostonglobe.com/2023/06/28/metro/delays-reported-orange-line-due-smoke-reported-tufts-medical-center-station/>

²⁰ Boston Globe, “Another bad day for riders on the MBTA, as train fire erupts,” John Ellement, Laura Crimaldi, Taylor Dovlen, and Daniel Kool, July 13, 2023, <https://www.bostonglobe.com/2023/07/13/metro/red-line-trains-delayed-smoke-charles-street-station/>

²¹ NBC Boston, “MBTA employee injured in ‘arc flash’ incident, prompting new safety measures” Chris Lisinski, August 10, 2023, <https://www.nbcboston.com/news/local/mbta-employee-injured-in-arc-flash-incident-prompting-new-safety-measures/3110573/>

²² Boston Globe, “The MBTA’s new leader is more optimistic about Boston’s subway than you are,” Taylor Dolven, July 8, 2023, <https://www.bostonglobe.com/2023/07/08/metro/ts-new-leader-is-more-optimistic-about-bostons-subway-than-you-are/>

²³ Commonwealth Magazine, “MBTA speed restrictions trending in wrong direction,” Bruce Mohl, July 7, 2023, <https://commonwealthmagazine.org/transportation/mbta-speed-restrictions-trending-in-wrong-direction/>; Boston 25 News, “New reports reveal MBTA employees were poorly trained, didn’t complete jobs right,” Sam Drysdale, September 7, 2023, <https://www.boston25news.com/news/local/new-reports-reveal-mbta-employees-were-poorly-trained-didnt-complete-jobs-right/IJZ2TNBVMBCJZDOCTFB4DP2J4M/>

²⁴ TransitMatters, “Data Dashboard: Red Line Speed,” August 24, 2023, <https://dashboard.transitmatters.org/red/speed/?startDate=2022-08-24&endDate=2023-08-24>

line “ridership is at less than half its pre-pandemic levels, around half as many trains come each day, and a trip from Braintree or Alewife—the furthest ends of the line—at times takes about as long as it would to just drive.”²⁵ Additionally, the MBTA recently announced parts of the Red Line would shut down for repairs in October.²⁶ The MBTA is also gearing up to shut down part of the Green Line extension for six weeks this fall.²⁷ Top officials have warned that it “could take a year for riders to see major service improvements.”²⁸ An internal safety review released by the MBTA last week revealed systemic “deficiencies in track inspection processes, including inconsistencies in documentation and oversight,”²⁹ with inspection teams that were unqualified, inexperienced, poorly trained, and inadequately staffed.³⁰ As one headline put it, “MBTA employees didn’t understand job responsibilities [or] complete jobs right.”³¹ And meanwhile, federal regulators are responding to the safety issues: on April 18, 2023, in a letter from the FTA, regulators banned T workers from right-of-way access unless they go through a daily four-step process, and mandated immediate action from the T to address ongoing failures with right of way procedures, including the implementation of an expanded safety training program.³² And on May 19, 2023, the FTA sent a letter to Mr. Eng noting the MBTA’s submitted Right of Way Rules Compliance and Safety Work Plan was insufficient and would need to be resubmitted.³³

²⁵ Boston Globe, “If you ride it, you know. The Red Line is the worst. Just look at the stats,” Daniel Kool, August 23, 2023, <https://www.bostonglobe.com/2023/08/23/metro/red-line-mbta-is-the-worst/>

²⁶ Boston Globe, “MBTA will shut down part of Red Line for repairs in October, agency’s top official says,” Daniel Kool, August 24, 2023, <https://www.bostonglobe.com/2023/08/24/metro/ashmont-branch-mattapan-line-two-week-shutdown/>

²⁷ Politico, “Keeping T progress on track,” Lisa Kashinsky, June 5, 2023, <https://www.politico.com/newsletters/massachusetts-playbook/2023/06/05/keeping-t-progress-on-track-00100165>; Commonwealth Magazine, “MBTA speed restrictions trending in wrong direction,” Bruce Mohl, July 7, 2023, <https://commonwealthmagazine.org/transportation/mbta-speed-restrictions-trending-in-wrong-direction/>

²⁸ Politico, “Keeping T progress on track,” Lisa Kashinsky, June 5, 2023, <https://www.politico.com/newsletters/massachusetts-playbook/2023/06/05/keeping-t-progress-on-track-00100165>; Commonwealth Magazine, “T officials urge riders to be patient,” Bruce Mohl, June 1, 2023, <https://commonwealthmagazine.org/transportation/t-officials-urge-riders-to-be-patient/>

²⁹ MBTA, “MBTA Releases Independent Track Maintenance Audit and Publishes Internal Safety Review,” September 7, 2023, <https://www.mbta.com/news/2023-09-07/mbta-releases-independent-track-maintenance-audit-and-publishes-internal-safety>,”

³⁰ Boston Herald, “MBTA track inspectors had ‘limited track maintenance experience,’ didn’t understand job duties: Report,” Rick Sobey, September 7, 2023, <https://www.bostonherald.com/2023/09/07/mbta-track-inspectors-had-limited-track-maintenance-experience-didnt-understand-job-duties-report/>; Commonwealth Magazine, “Reports find systemwide breakdown in MBTA track repair efforts,” Bruce Mohl, September 7, 2023, <https://commonwealthmagazine.org/transportation/reports-find-systemwide-breakdown-in-mbta-track-repair-efforts/>; <https://commonwealthmagazine.org/transportation/reports-find-systemwide-breakdown-in-mbta-track-repair-efforts/>; Boston Globe, “MBTA track department workers didn’t do their jobs and missed critical problems, new report says,” Taylor Dolven, September 7, 2023, <https://www.bostonglobe.com/2023/09/07/metro/mbta-track-slow-zones-report/>

³¹ CBS News, “New reports reveal MBTA employees didn’t understand job responsibilities, complete jobs right,” Kristina Rex, September 7, 2023, <https://www.cbsnews.com/boston/news/mbta-employees-job-responsibilities-systemic-failures-report/>

³² NBC Boston, “Federal Regulators Order MBTA to Increase Safety After Recent Close Calls,” Mary Markos, April 20, 2023, <https://www.nbcboston.com/news/local/federal-regulators-order-mbta-to-increase-safety-after-close-calls/3026472/>; NBC Boston, “Feds Order ‘Immediate Action’ From MBTA on Worker Safety After Close Calls on Tracks,” Chris Lisinski, April 19, 2023, <https://www.nbcboston.com/news/local/feds-order-immediate-action-from-mbta-on-worker-safety-after-close-calls-on-tracks/3026033/>

³³ Politico, “Keeping T progress on track,” Lisa Kashinsky, June 5, 2023, <https://www.politico.com/newsletters/massachusetts-playbook/2023/06/05/keeping-t-progress-on-track-00100165>;

We know that systemic failures cannot be quickly rectified, and you will need time and resources to get the T back on track. We are committed to supporting you in those efforts. Therefore, we write to request an update on your administration's work to respond to these incidents and prevent them in the future. This information is critical, both to provide transparency for the people of Massachusetts and to best inform our efforts to sufficiently support your progress. With those goals in mind, we respectfully ask that you provide us with a briefing regarding why the above incidents occurred, what you have done to address them, and what your long-term plans are to address the issues with the T, by September 26, 2023; as well as written responses to the following questions by October 12, 2023:

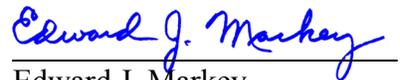
1. What have been the major impediments to lifting speed restrictions across the subway lines?
2. What do you see as the major safety improvements needed to increase the speed and reliability of the subway?
3. What steps are you taking to ensure the safety of workers conducting repairs along the right of way?
4. What steps are you taking to ensure rider safety in MBTA stations?

The communities that rely on the T deserve reliable, safe, accessible, and climate-forward transit. We look forward to working with you to not only fix the T, but turn it into a safe and vibrant transit system worthy of our Commonwealth and its people. Thank you for your efforts toward that goal and for your time and attention.

Sincerely,



Elizabeth Warren
United States Senator



Edward J. Markey
United States Senator