

ECONOMIC IMPACTS OF INADEQUATE TRANSIT MAINTENANCE AND OVERSIGHT

FIELD HEARING

BEFORE THE

SUBCOMMITTEE ON
ECONOMIC POLICY

OF THE

COMMITTEE ON
BANKING, HOUSING, AND URBAN AFFAIRS
UNITED STATES SENATE

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

ON

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TRANSPORTATION AUTHORITY AND THE MASSACHUSETTS DEPART-
MENT OF PUBLIC UTILITIES

OCTOBER 14, 2022

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C O N T E N T S

FRIDAY, OCTOBER 14, 2022

	Page
Opening statement of Chair Warren	1
Prepared statement	40
Opening statements, comments, or prepared statements of:	
Senator Edward J. Markey of Massachusetts	3
Prepared statement	41

WITNESSES

Nuria Fernandez, Administrator, Federal Transit Administration	5
Prepared statement	42
Michelle Wu, Mayor, City of Boston	15
Prepared statement	44
Jarred Johnson, Executive Director, TransitMatters	17
Prepared statement	45
Matthew Nelson, Chair, Massachusetts Department of Public Utilities	18
Prepared statement	46
Responses to written questions of:	
Chair Warren	51
Steve Poflak, General Manager, Massachusetts Bay Transportation Authority	20
Prepared statement	47
Responses to written questions of:	
Chair Warren	52

ADDITIONAL MATERIAL SUPPLIED FOR THE RECORD

Prepared statement submitted by Senator Edward J. Markey of Massachusetts	61
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FRIDAY, OCTOBER 14, 2022

U.S. SENATE,
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
SUBCOMMITTEE ON ECONOMIC POLICY,
Boston, MA.

The Subcommittee met at 11:00 a.m., in Room 900A, John F. Kennedy Federal Building, 15 New Sudbury Street, Boston, MA, 02203, Hon. Elizabeth Warren, Chair of the Subcommittee, presiding.

OPENING STATEMENT OF CHAIR ELIZABETH WARREN

Chair WARREN. This hearing will come to order.

I want to welcome all of you to a hearing of the Senate Banking, Housing, and Urban Affairs Subcommittee on Economic Policy. Public transportation is an essential service that directly influences the economic growth and access to employment in Boston and other U.S. cities, which are key issues for the Economic Policy Subcommittee. That is why I thought it was crucial to convene this hearing about the State of the T and to invite my good friend and partner, 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, to our restaurants, to go to a game, to visit friends and family, and then 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 now for 150 years, our city and our Commonwealth would not be the same. For generations, we have relied on the T. We have counted on the people and organizations in charge to make the T work for us, to make buses and trains run safely and on time. But we can go longer rely on the T.

The T is failing. In the last 2 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 of people; workplace injuries; a horrendous 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 2-year period, there were “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 result of that investigation was released in August, and it is a long and scary list of problems. Just a partial list of troubles that the FTA identified includes, the MBTA does not have staff to carry out current operations and that agency has "not demonstrated the organizational capacity to recruit and hire personnel." The FTA found that "operating and maintenance rules and procedures are not implemented as required and that technical training is underresourced, without sufficient resources, and lacks oversight."

The FTA found that the MBTA was not conducting adequate oversight of its contractors. The 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 even looking at the right information.

And FTA really laid in to 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 is 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 the MBTA. In other words, DPU is responsible for managing the management of the MBTA.

But here is what the FTA has 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. The FTA found that DPU lacks independence from the MBTA. The FTA found that "DPU has not used its authority to ensure the identification and resolution of safety issues at MBTA."

And the FTA reached a simple and devastating conclusion. Again I quote, according to the 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 MBTA and provided the agency with a list of 53 actions required to address these concerns. It also contained four findings regarding DPU's failures and provided DPU with a list of nine actions required to address these concerns.

And by the way, the FTA also found that seven leftover action items from a 2019 audit of DPU remained 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.

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.

Now here is the good news. Thanks to the Bipartisan Infrastructure Law, we have got the resources to do it. That law will provide \$580 million for modernization and safety improvements at the MBTA. In addition, Massachusetts currently has massive tax revenue surpluses.

But here is 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 the 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. I appreciate Mayor Wu coming to talk to us about the importance of the T for the city and the whole metropolitan area. We also have excellent leadership from the community. I appreciate that Jarrod Johnson, of TransitMatters, will be here to discuss the scope of the T's problem 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 am 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. And that is why I invited them to testify before this subcommittee, so that the public can hold the MBTA and DPU to account.

So thank you to all of our witnesses.

I am now going to turn it over to Senator Markey for his opening statement. Senator Markey, I am so glad that you could be here to do this. Thank you for coming.

OPENING STATEMENT OF SENATOR EDWARD J. MARKEY OF MASSACHUSETTS

Senator MARKEY. Thank you, Senator Warren. And my deep thanks to you for convening this hearing, for bringing all of the parties together so that we can have this understood by the people of Greater Boston who use the T on a daily basis. So I thank you so much for your leadership on this issue.

I am also grateful to Administrator Fernandez, to Mayor Wu, to Jarrod Johnson, for being generous with their time here today and for all that they do to push for transit justice here in Boston and across the country. And finally, my thanks to General Manager Poftak and Chairman Nelson for their willingness to come before us here today.

There are two stories that we must tell today. The first is the story of how the MBTA came to a screeching halt, arriving at this entirely preventable point where deep service cuts and wholesale shutdowns of subway lines are deemed necessary to get the T back on track.

I believe we need to understand the missteps and negligence that brought us to this moment of crisis, so that we never again find ourselves back here. The second story pertains to how we move forward, how we build a brighter future for the MBTA. Greater Boston needs a public transit system that is truly a public good and effectively serves the needs of the people of the Commonwealth.

While this current crisis never should have occurred, it has presented the chance for a conversation about how we build a transit system that is safe, sustainable, accessible, reliable, and free. With the proper care and decision-making, we can turn the T from a punchline into a model for our shared transit future.

I am hopeful that we can get there.

But I want to make it clear, I am angry. It is shameful that the first public transportation system in our country has been put last and has lost the faith of the people of Massachusetts.

In the last year alone, we have witnessed several crashes, derailments, and escalator malfunctions, seen passengers jumping from windows of flaming Orange Line trains, and experienced the unconscionable death of a passenger on the Red Line. As Senator Warren just explained, the Federal Transit Administration's report on the MBTA is damning, painting a picture of an organization that is woefully understaffed, lacking in basic communication and training protocols, and more focused on delivering capital projects on time than on fundamental operations and maintenance for the passengers who need the T today.

All of this has stretched the T to a breaking point, where safety and reliability are far from guaranteed.

The problems at the T did not happen overnight, but have festered for decades. Like mold creeping between the baseboards of a home, poor management and disinvestment have eaten away at the foundation of our vaunted public transit system. Where the T once stood as the national model for reliable public transportation, it, today, serves as a warning sign of what happens when officials take their eye off the ball.

And too often, when problems arose, officials hid the ball altogether, leaving the public in the dark about the true state of the T.

Unfortunately, amidst this crisis, the T's playbook hasn't changed. During the recent Orange Line shutdown, the MBTA promised that the track would allow for trains to run faster, once that work was completed. Now, we are seeing that this hasn't been true. More transparent communication also means acknowledging that, far too often, the burdening of the T's failures have fallen on riders, especially Black, Brown, disabled, and lower income individuals who disproportionately use the T.

I was a commuter student from Malden, who was able to attend Boston College by living at home in Malden and taking the Orange Line and the bus out to Boston College. I know how public transit opens doors of opportunity to people who may not have the privilege to own and drive a car or live close to their school or their workplace.

It is people without resources and time to spare, who are experiencing the worst impacts of the T's crisis, and that is inexcusable.

As we collectively rebuild and modernize the essential public utility, riders cannot be asked to shoulder the burden.

Digging out of this hole will need the concerted efforts from everyone, from MBTA officials, to community leaders, to Federal, State, and local policymakers. It will require the MBTA to improve its safety and communications practices, and the Department of Public Utilities to conduct robust, independent, and transparent safety oversight of the MBTA.

In Congress, Senator Warren and I will keep fighting for bold Federal investments in public transit, on top of the \$580 million in Federal funding that has gone to the MBTA this year. As Massachusetts senators, we have a vested interest in ensuring those Federal dollars are well spent. A better T is possible, especially in a State as abundant in resources and brainpower as Massachusetts.

In order for us to fight for a better future, we have to know what it will look like. So today, we will spend some time identifying and illustrating a picture of the future with a public transit that is a public good.

We know that, when you lower the barriers to entry and make public transit accessible and reliable, when you make it free, people will use it. Increased ridership gets cars off roads, which reduces traffic and carbon emissions that pollute our air and warm up our planet. Expanding services also creates good paying jobs, jobs for union workers, who will revitalize our aging transit infrastructure and operate the buses, the trains, and the ferries that will connect communities, stimulate the regional economy, and get our residents where they need to go. So as we interrogate and investigate the T today, we can also imagine that brighter future, a world where the T puts “public” back into public transit. But you can’t chart a new path without knowing where you are now. And, as any rider of the T could tell you, the MBTA has a long way to go.

Greater Boston’s identity is inseparable from the T. It is the lifeblood of the metro region and, for far too long, it is not been treated with the care it deserves. Let this hearing today be an honest and unsparing account of the T’s neglect, as well as a first step towards making the T a vibrant, prosperous transit system worthy of our Commonwealth and its people.

Thank you, Senator Warren. And we thank, again, all of the witnesses.

Chair WARREN. Thank you,

Senator MARKEY. And thank you, Administrator Fernandez, I appreciate you being here today. Administrator Fernandez, you lead the Federal Transit Administration, FTA, which is an agency inside the Federal Department of Transportation that oversees the public transit systems across the country, to ensure that they provide safe, reliable, and equitable service. I would like to call on you, now, for a statement, and then we will get to the questions that Senator Markey and I have.

**STATEMENT OF NURIA FERNANDEZ, ADMINISTRATOR,
FEDERAL TRANSIT ADMINISTRATION**

Ms. FERNANDEZ. Yes, thank you so much. Good morning, Senators Warren and Markey and thank you again for your attention to the Federal Transit Authority’s oversight efforts, so that we can

improve the quality and safety of the Massachusetts Bay Transportation Authority's rail system.

As is often stated by Secretary Buttigieg, safety is our north star at the U.S. Department of Transportation. And at FTA, our primary responsibility is really to ensure that people can safely travel through the billions of trips that they may take each year on public transportation. And it is also our responsibility to ensure a safe working environment for transit workers.

So we accomplish this in several ways. We invest in the capital infrastructure and rolling stock as transit agencies; we review the oversight provided by transit agencies, by the State safety oversight agencies, which have primary responsibility for the safety of rail transit operators; and conduct detailed examinations into specific safety issues, so that we can determine the appropriate action to mitigate those issues. That last point is why we are here today and it is why FTA began the Safety Management Inspection of the Massachusetts Bay Transportation Authority's rail system.

So following that inspection, FTA issued eight safety directives to MBTA, identifying some areas of concern and that needed safety focus. Importantly, two directives were also issued to the MBTA's State safety oversight agency, the Massachusetts Department of Public Utilities.

By Federal law, the DPU is responsible for the day-to-day oversight of the T, ensuring rail operations in the Commonwealth are safe every day, every ride. And transit agencies like the MBTA make the day-to-day decisions on who, what, where, and how they maintain and operate their systems. The safety of the passengers and workers cannot be compromised with any of those decisions.

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

So with those concerns in mind, particularly due to the concerns about the quality of DPU's oversight, we initiated the Safety Management Inspection in both the MBTA's rail operations and DPU's oversight. The SMI, for short, focused on MBTA's processes, its procedures, and the resources regarding safety decisionmaking and how the DPU oversees the MBTA's safety performance.

On August 31st, FTA issued the SMI report identifying 24 findings, 20 to MBTA and four to the DPU, in five categories; four to MBTA and one to DPU, that required 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, the FTA issued the four additional special directives to the T, for a total of eight, along with an additional special directive to the DPU. And we instructed the DPU to enforce the safety requirements specified in the special directives issued to the MBTA and to also enhance their oversight, including a reassessment of DPU's staffing and capacity.

We expect that the DPU and the T will coordinate work to quickly begin developing and prioritizing corrective actions that will address the findings and the required actions identified in our SMI

report, and that the FTA will continue to monitor and track the MBTA and DPU's performance and 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.

So 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. So properly aligning the staffing of the agency with funding available is absolutely critical.

FTA found that the MBTA's operations training department is significantly understaffed. And while recent improvements have been made, additional resources are needed.

The path forward for the MBTA is going to require community buy-in. There is going to be disruption to service as they are making the enhancements and changes that they need to make. And I feel that the system is safe and that people should continue to ride it. Yet, tough decisions will have to be made now, to create a better, safer future. There will be service impacts to the public.

Our SMI inspection of the MBTA is concluded. However, we will continue to monitor safety and will continue working with the DPU to ensure the safety.

Again, Senator, as you have noted, thanks to President Biden and to all of you in Congress for the passage for the Bipartisan Infrastructure Law, FTA received a 72 percent increase in funding, more than \$21 billion, over the next five years, to invest in state of good repair of transit assets and systems throughout the United States.

MBTA receives \$450 million in FTA formula funding every year, including \$224 million in state of good repair formula dollars. And there was a total of \$2.1 billion in emergency relief from CARES, CRRSAA, and ARP.

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

So we will continue investing in transit throughout Massachusetts, work closely with the MBTA and DPU, so that we can ensure the highest level of safety for its users and employees of the system.

So thanks again for your attention to improving transit through these very shared goals.

Chair WARREN. Thank you very much.

Thank you, Administrator Fernandez.

So back in April, the FTA was so concerned about safety issues on the T that it initiated what I think you called a Safety Management Inspection, or SMI, because we have got to get a lot of acronyms in here today. And the idea was to get the bottom of what was going on.

And 2 months ago, you wrapped up your inspection, issued a report. Senator Markey and I have that report. The report is publicly available. And today, what we want to do, in part, is walk through some of these findings.

But I think that most people in Massachusetts who may be watching this are not that familiar with the FTA's work or its authority over State transit systems. So before we get to your report, I just want to start with the basics about what the FTA does and how you came to write this report.

The FTA engages in routine examinations and assessments of how public transit systems all across the country are doing, as I understand this, Administrator Fernandez. But in the most troubling of cases, the agency will take a more active oversight role to ensure that issues are addressed, an unusual step forward.

Does that sound about right?

Ms. FERNANDEZ. Yes, that's correct, Senator. That is our role. And we do take action when we need to take that action.

Chair WARREN. You don't actually oversee the MBTA itself; instead, you conduct oversight of the DPU, the Massachusetts Department of Public Utilities, which is the body that regulates the MBTA. Is that right?

Ms. FERNANDEZ. Yes, it is, Senator.

Chair WARREN. Okay. In other words, your job at FTA is to make sure that DPU is doing its job; and DPU's job is to make sure that the MBTA runs a safe, reliable transit system.

Is that about right?

Ms. FERNANDEZ. That is correct, Senator.

Chair WARREN. Good. Now, this is helpful, because I want to talk about what happened at the T that got us to the point that the FTA had to step in and exercise more active oversight here in Massachusetts. Your office's report identifies two major reasons that the FTA undertook inspection.

Number one, there was a clear safety problem on the T; and number two, there were big concerns about DPU's implementation of reforms that the FTA had been asking them to make for years.

So let's do safety first, Administrator Fernandez. What did the FTA see in the T's safety record that rang alarm bells for you?

Ms. FERNANDEZ. Senator, we conducted this inspection as a result of a series of the patterns that we have been observing and the frequency of the safety incidents that were occurring at the T, the patterns of train collisions, derailments, and then, of course, the fatality, and also injuries, both to employees and to the public.

And those concerns were exacerbated by the fact that the Department of Public Utilities had not been carrying out their State safety oversight responsibilities.

Chair WARREN. Okay. We are going to come to that in just a minute. What I hear you saying, we have talked about trains catching on the fire, property damage, service disruptions, injuries; we had a death. Your report says that the FTA launched its inspection because of "an escalating pattern of safety incidents and concerns," including injuries and fatalities, "significantly exceeding industry average."

In other words, accidents happen all across the country in these T systems. But the question is, how far out of line is the T, here in the Boston area?

Between 2017 and 2021, the entire U.S. light rail industry reported 13 rail-to-rail collisions, resulting in 48 injuries. MBTA,

alone, was responsible for more than a third of all of the collisions and more than 90 percent of the associated injuries.

But it wasn't just that the T was unsafe. It was unsafe and not getting better. So you stepped in because there were serious concerns—you were about to talk about this a minute ago, when I cut you off—serious concerns about the ability of the DPU, the agency responsible for overseeing the T, to improve the situation.

Administrator Fernandez, why did the FTA have concerns about DPU's ability to perform oversight needed to keep passengers and MBTA employees safe?

Ms. FERNANDEZ. Senator, going back to 2019, the Federal Transit Administration conducted an audit of the DPU's State safety oversight program and we issued 16 findings. Nine were closed; seven are still pending. And the reason that we have not closed the seven that are part of the Corrective Action Plan is that the DPU has really not demonstrated a positive strategy for ensuring the outcomes of the MBTA's safety responsibilities, that those outcomes are moving in a positive direction. The major issues that the DPU still needs to address is having an adequate workforce with safety experience and having that capacity. They need to ensure that their organizational resources are there to support the work that needs to happen in the field; and then, also, to ensure that the corrective actions, not only the ones that they are responsible for, but the ones that the T is responsible for completing, are, in fact, achieving those outcomes of completion, reaching those milestones.

Chair WARREN. Okay. So the T's safety record was worse than most of the transit systems across the entire country. And the agency that was supposed to be in charge of fixing things had failed to fix the problems or comply with Federal regulations for years.

Now, is launching this kind of inspection a common action that the FTA takes?

Ms. FERNANDEZ. Senator, fortunately, it is not a common action. However, this is not the first time that we have done a Safety Management Inspection.

Chair WARREN. So how many have you done? Do you know?

Ms. FERNANDEZ. One more.

Chair WARREN. One more. So this is the second time that the FTA has ever done one of these?

Ms. FERNANDEZ. Second time in the history.

Chair WARREN. Only the second time in the history of the FTA.

So let's talk for, just a minute, about what you found. There is a lot in this report. I commend the FTA for its comprehensive analysis. I know you came and did on-site inspection, looked at all of the records.

Just at a very high level, did the FTA's inspection conclude that MBTA's current operations and policies are sufficient to keep riders and employees safe?

Ms. FERNANDEZ. Our inspection revealed significant concerns about the T's operations and policies. However, the T has made progress in meeting the timelines and responding to the items that we have flagged for them through our special directives that we have issued. And so they continue to improve the safety culture that was of grave significance and concern to us initially.

There is a lot more work that needs to be done and we will continue working with them to ensure that they can get it done.

Chair WARREN. Grave concern, but you are seeing some improvement.

Ms. FERNANDEZ. Yes.

Chair WARREN. I want to ask a similar question about the DPU, which is in charge of the MBTA.

Administrator Fernandez, did the FTA inspection conclude that DPU was adequately fulfilling its oversight responsibilities at the MBTA, at the time you undertook this?

Ms. FERNANDEZ. No, Senator. We found that the Department of Public Utilities had not been adequately engaged in overseeing the MBTA's Safety Management System, which is very important for the delivery of a safe system, both for employees and for the riding public. The FTA's report, as noted in our SMI, shows very specific actions that the DPU needs to do to support the field observations, the audits, and the inspections that MBTA's rail transit system is undergoing, so that they can identify safety deficiencies in the same way that we have identified those deficiencies.

Chair WARREN. I really appreciate this. The people of Massachusetts have lived through these failures, but your report documents that the management failures are even broader and deeper than most of us knew, and I am grateful to the FTA for stepping in and documenting these failures.

Administrator Fernandez, in my next round of questions, I am going to talk to you in more detail about some of the directives the FTA has issued. But I want to yield to Senator Markey, to ask some questions.

Senator MARKEY. Thank you, Senator Warren. I just want to follow up on this line of questioning that Senator Warren has been pursuing, because I think your report does represent a staggering breakdown in communications within the MBTA, as a result of either confusing guidelines or fear of retaliation. Frontline workers at the T were unable to raise safety concerns with their supervisors and with MBTA leadership, creating a dangerous internal culture that downplayed critical safety risk. So I would like to have you reflect, if you could, on a couple of stark examples of that, Administrator Fernandez.

Did the Federal Transit Administration's SMI report, Safety Management Inspection, of the T report, find the MBTA executive leadership received prioritized and actionable information on safety risk?

Ms. FERNANDEZ. No, Senator. As reflected in our special directives, the FTA did not find any evidence, from a safety management perspective, that the MBTA safety committees and the meetings that the committees presented to, generated any actionable information from a safety perspective, in terms of explicit indication of safety priorities and how those priorities were going to be identified and resolved.

Senator MARKEY. Did the FTA's report find that MBTA leadership ensured its decisions related to safety risks were based on analysis or documented facts?

Ms. FERNANDEZ. No, Senator. As stated in one of our findings, the SMI final report, in the absence of having pertinent safety data

available at the operational level and then having that data and information at the executive level, you cannot develop a framework for measuring performance. So it is very important that the information be made available, so they can develop the performance that they need to mitigate the issues.

Senator MARKEY. Thank you. Did the FDA report find that the MBTA had clear provisions to ensure safety concerns reported by employee safety committees were documented and acted upon?

Ms. FERNANDEZ. No, Senator. The FTA learned that the safety information from the safety committees were not formally captured within the MBTA and that the safety department did not disseminate that information to all who needed it.

Senator MARKEY. One of the few reporting mechanisms for front-line employees to raise potential safety issues is a safety hotline operated by the MBTA. However, the FTA report suggested that even this hotline is not being utilized adequately.

Administrator Fernandez, did the FTA report find that the MBTA provided clear direction to its employees on what to report through the safety hotline?

Ms. FERNANDEZ. No, Senator. The FTA found no evidence that the frontline employees have been provided not only clarity, but a distinction between things that should be reported through the hotline and things that were not necessarily needed to be reported through the hotline, from a safety perspective.

Senator MARKEY. So at the time of the report, how many calls per month was this hotline receiving?

Ms. FERNANDEZ. During the time of our investigation, we found about maybe 20 to 25 calls that had been received by that safety hotline.

Senator MARKEY. So that would come out to less than one a day, which is a vanishingly small number to deal with in an organization the size of the MBTA. What did the FTA report conclude from the lack of use of the safety hotline?

Ms. FERNANDEZ. Well, Senator, of course we can't know exactly the reason that there was such a small number of calls. However, it did signal that there may be some reluctance or skepticism towards the safety reporting environment and what is being done with the information that is provided.

Senator MARKEY. What I found shocking in your report is the conclusion that the MBTA is 1,500 to 2,000 employees short of what they need to do their job on a daily basis.

What does that mean, in terms of what we now can see, in terms of the safety and operational problems at the T?

Ms. FERNANDEZ. Well, unfortunately, when there is very high mandate for delivering service and you also have capital investment projects that are underway, you need to have adequate staffing. And when the staffing is short, and particularly with those large numbers, that means that individuals who are there are then responsible for doing more overtime, and it results in fatigue, which translates into a safety concern.

Senator MARKEY. So what you are saying is that this commitment to new capital projects, new construction, then, was taking personnel away from the work that had to be done on safety and maintenance, and then that led to kind of a black hole into which

all of these safety concerns were falling, without any attention being paid to them.

Ms. FERNANDEZ. Senator, what would typically happen is that the agency will be the one making the determination as to how they allocate personnel and how they fill vacancies. But in our inspection, we did find that there was inadequate personnel available to do and deliver the level of service that the agency is responsible for delivering every day.

Senator MARKEY. You are saying it is up to the agency to determine the allocation of the personnel, but that the net result was that your safety and management inspection determined that they had left entire areas of maintenance and safety for the T unattended to?

Ms. FERNANDEZ. That positions that are responsible for delivering service, that is, operators and maintenance personnel, that those positions had a high level of vacancies that needed to be filled.

Senator MARKEY. Thank you.

Chair WARREN. Thank you. Actually, I am going to follow up from the same direction Senator Markey has gone.

You have made clear, there has been failure of leadership at MBTA and DPU that has put riders and workers in peril. This needs to change. I am thankful that you are there to work on this.

But we need to be honest about what these failures look like. So I want to just dig a little deeper into some of the management and operational failures and why they rang alarm bells for the FTA.

So Administrator Fernandez, the FTA's inspection found that the MBTA did not have policies in place to ensure that train dispatchers had the appropriate training and certifications to do the job and that they were properly rested before starting their shifts, so they, literally, did not fall asleep at the switch.

Is that a major risk that the FTA thinks the MBTA needs to fix?

Ms. FERNANDEZ. Yes, Senator, among other urgent risk areas.

Chair WARREN. Okay. But that one is urgent. Let me ask you another one. Because this one is, according to your report, the MBTA has inappropriately stored dangerous chemicals in rail yards, which could put the safety of both workers and the public at risk. Is that a major risk that the FTA thinks the MBTA needs to address?

Ms. FERNANDEZ. Yes, Senator, that is a major risk. And we issued a special directive detailing the steps that they needed to take to mitigate that risk.

Chair WARREN. Okay. Since January 2021, the MBTA has reported five runaway train events that happened in rail yards or while the trains were receiving maintenance. Two of these runaway train events actually happened during the FTA's inspection.

So Administrator Fernandez, do these multiple runaway train events pose safety risks for employees and the public, that the MBTA urgently needs to address?

Ms. FERNANDEZ. Yes, Senator, that is major risk that the MBTA must address.

Chair WARREN. All right. And there is much more than we could do in this. Your list of risks, here, is staggering.

Not collecting basic information to the monitor safety concerns; a backlog of 16,000 open and pending defects in need of repair; a leadership with “get it done and go” mentalities, so that is about patching things up rather than following the safety rules that are recommended.

So I am just going to do one more here.

The FTA’s inspection found that, following changes Governor Baker make to reform the structure of the MBTA board, the DPU may no longer be legally and financially independent from the MBTA, as the FTA requires.

So Administrator Fernandez, this one is a little different from dangerous chemicals that are stored too close to the tracks, or runaway trains. Can you explain why the issue of DPU independence raises concerns for the FTA?

Ms. FERNANDEZ. Yes. It is a serious concern to the Federal Transit Administration because it is a requirement, under the law, that the State safety oversight agency be both legally and financially independent from the entity that is providing the oversight—that it has jurisdiction to provide that oversight.

So in order to provide a proper oversight, the entity needs to be a step away from it, so they can look in and make, not only the findings, the recommendations, and issue directives for mitigating risk.

In our final SMI report, we noted that the organizational structure of the MBTA changed since 2019 and we have required actions from DPU to complete a legal assessment of how that organizational independence from the MBTA is going to be assured.

Chair WARREN. Well, I just want to thank you very much. I appreciate the in-depth inspection of the T that your agency has conducted. It is powerfully important to us. And I appreciate your listing, so clearly, both your concerns about safety and about a punch list for what needs to be done and what needs to be done urgently. I appreciate your partnership in all of these.

Senator Markey, do you have some more questions you would like to finish up with?

Senator MARKEY. I do. Thank you, Senator Warren. I would like to conclude with a discussion about the FTA’s involvement with the MBTA going forward, and what Federal participation will and will not look like in the future.

So I just hope that we can set the record straight around a couple of frequent issues relating to the FTA investigation, the idea of the FTA taking over the T or putting it in receivership, and the concern that the FTA will withhold Federal funding from the MBTA. Administrator Fernandez, my understanding is that the notion of Federal receivership or takeover of the MBTA by the FTA is not an option on the table. Could you explain why?

Ms. FERNANDEZ. Yes, Senator. Thank you so much for asking that question, because we have been seeing this notion in news reports and I think it is important that I clarify.

The Federal Transit Administration does not have the legal authority to take over the day-to-day operations of any transit agency in this Nation.

Senator MARKEY. So the FTA does not have the legal authority to take over the T or put it into Federal receivership. And even if

it did have the authority, the FTA would not have the capacity to manage the MBTA. Is that correct?

Ms. FERNANDEZ. That is correct, Senator.

Senator MARKEY. So there will be no Federal receivership or takeover?

Ms. FERNANDEZ. Of the day-to-day operations, no.

Senator MARKEY. In that case, what will the FTA's involvement be, going forward, in getting the MBTA back on track?

Ms. FERNANDEZ. Our involvement will be to continue providing that oversight to ensure that both the MBTA and the DPU complete all of the corrective actions under the safety directives that we have issued.

Senator MARKEY. So my understanding is that the FTA only withholds Federal funds from transit agencies in extremely rare circumstances.

Is that correct?

Ms. FERNANDEZ. That is correct, Senator.

Senator MARKEY. So what steps do the MBTA and the Commonwealth of Massachusetts need to take to ensure that no Federal funding is withheld from the MBTA?

Ms. FERNANDEZ. Beginning with ensuring that they satisfactorily complete all of the collective actions under the special directives that we issued as a result of our inspection from April through June of this year.

Senator MARKEY. So at this point, is the FTA withholding any funding from the State or from the MBTA?

Ms. FERNANDEZ. No, the Federal Transit Administration is not currently withholding any funding from the State of Massachusetts.

Senator MARKEY. So just to reaffirm, the Commonwealth needs a functioning, independent safety oversight agency outside of the MBTA. And so long as the Commonwealth has that functioning safety oversight agency, it is highly unlikely that any Federal funding will be withheld; the Federal Government will remain a partner in fixing the T, including the \$580 million that Senator Warren and I and our Federal delegation worked so hard to provide to the MBTA this year.

But the FTA, alone, does not have the power or the authority to fix the T. The Commonwealth of Massachusetts must fix the T. The FTA is a willing partner, but we must fix it here.

Thank you, Senator Warren.

Chair WARREN. Thank you, Administrator Fernandez. I really appreciate your being here.

We have now concluded the first panel. We are going to take a very short recess. I am going to gavel out, so we can change the setup here, and then we will be right back.

(Recess taken at 11:51 a.m.)

(Recess ended at 11:54 a.m.)

Chair WARREN. So now we are going to hear from four witnesses on this panel, our second panel. Let me introduce them.

First, I am pleased to introduce my good friend, the Honorable Michelle Wu, Mayor of the City of Boston. Mayor Wu has been a tireless fighter for Boston's families and for safer, cleaner, and

more accessible transit for everyone. I am so glad to be with her in this fight. Thank you for being here, Mayor Wu.

Next, we have Mr. Jarrod Johnson, the executive director of TransitMatters, one of the fiercest advocates for more equitable and reliable public transportation for Metropolitan Boston. Mr. Johnson is an expert on sustainability and on proven best practices to promote more convenient and effective transit. So thank you for being here with us, Mr. Johnson.

Next we have Mr. Matthew Nelson, who has served to chair the Massachusetts Department of Public Utilities since 2019. As chair of the DPU, Mr. Nelson is responsible for overseeing the MBTA. I appreciate your accepting our invitation to testify before us today.

And lastly, we have Mr. Steve Poftak, who has served as general manager of the MBTA since 2019. Mr. Poftak, I appreciate your coming here today, also, to address these safety issues.

Thank you to all of our witnesses.

I will start by turning it over to Mayor Wu for her statement. Mayor Wu, you are recognized for 5 minutes.

STATEMENT OF MICHELLE WU, MAYOR, CITY OF BOSTON

Ms. WU. Thank you very much. Thank you, Senator Warren and Senator Markey, for convening this hearing and for your leadership.

When Boston began building the first subway system in the country in 1895, the idea was labelled dangerous and radical. Business owners organized the anti-subway league, warning that construction would disturb snakes and rats underground and force every one to the surface in fear of disease. And there were thousands of signatures collected against the, quote, great disadvantage and damage to business that would result.

Now, thankfully, decisionmakers looked to the future. We could not imagine our city today without our public transit system. The Nation's very first subway tunnel, today, runs from Park Street to Boylston Street, still.

It took tremendous innovation, then, to electrify trolley cars to run underground, without suffocating coal smoke, and it re-shaped what growth looked like in our city and our country, as more people were able to escape the traffic above ground and reach their destinations en masse.

Today, we must continue investing in our future to make Boston a city for everyone, green and growing, where families can thrive. And we are so grateful for your partnership and that of the Biden administration in deploying necessary resources for our collective recovery.

Our ARPA funds have gone to getting our economy going again, with our small businesses, building affordable homes, pouring into our school communities, creating thousands of green jobs. And we will stretch every dollar from the Bipartisan Infrastructure Law and Inflation Reduction Act. But none of that matters if residents can't rely on public transportation to get where they need to go. We are here today because all of that investment in housing creation, excellent school, economic development, safe and healthy communities, is constrained by the state of public transit in Boston and in Massachusetts today.

I am someone who has been taking the T for decades, as a college student, then a young professional, then a mom pushing a big stroller through those MBTA elevators, buses, and trains, to get to childcare. So this isn't a theoretical discussion for me and for all of the commuters in the system.

Wednesday morning, I took the Orange Line to work, grateful that it was back in service, excited to board a shiny new train at Forest Hills. And it went really smoothly. But there were still 12-minute headways at peak rush hour, 12 minutes until the next train would leave.

After an unprecedented 30-day shutdown of our busiest subway line, riders still hold our breath and cross our fingers and step into stations and look up to see when the next train will arrive.

Now, in recent weeks and months, the T has acted with more urgency than we have seen in years, and I am grateful for that leadership. But my experience as a commuter, like so many others, is still emblematic of a broader systemic problem. For too long, our approach to public transit has focused on fiscal management on the backs of riders and workers and at the expense of long-term vision and sustainability.

The result is a system constantly on the verge of collapse, one that directs all of our energy toward meeting basic safety requirements, rather than growing and expanding public transit as critical infrastructure.

If we want Boston to be the thriving, competitive global city that we can be, to meet the possibility and opportunity of this moment, we can't continue to sabotage ourselves by taking a piecemeal, reactive, and bare minimum approach to transit. The people of Boston and Massachusetts deserve safe, reliable, accessible transit. But that has to be the starting point, not the finish line. Our transit system, today, is not equipped to meet the needs of our growing region. Restaurants and small businesses are desperate for foot traffic after years of economic hardship. Large employers are struggling to get workers back in person, and they are facing staffing shortages across every industry, because people can't afford to live close enough to walk to work and don't want to deal with a stressful, unreliable commute.

As a hub for health care and life sciences, innovation, and education, our possibilities are endless here, if we could just connect all of our communities to the opportunities and where they need to go. This requires a strategic vision for the T, one that secures long-term, sustainable funding, establishes a workforce development strategy, expands access and affordability, and ensures that communities most affected by the system are the ones empowered to shape it. That means a direct voice for those who know the system best: An MBTA board seat for Boston and another municipality; commuter rail fair equity; electrification, starting with the Fairmont line; fare-free buses; an accelerated progress on the Red/Blue connector; and West Station.

Thank you so much. And I look forward to a productive conversation, today, about turning the T into a source of pride and connection for all of our commuters.

Chair WARREN. Thank you, Mayor Wu. Now Mr. Johnson, I turn it over to you for 5 minutes.

**STATEMENT OF JARROD JOHNSON, EXECUTIVE DIRECTOR,
TRANSITMATTERS**

Mr. JOHNSON. Thank you. The MBTA is a key part of the success of Greater Boston. One only has to look at the cranes adding millions of square feet of housing, office, commercial, and lab space right next to MBTA stations.

A report by A Better City found that, through travel time and cost savings, savings from avoided vehicular crashes and injuries, and also from reduced carbon emissions, the MBTA provides an estimated value of \$13.2 billion a year to the Greater Boston region.

This is a value to transit riders and nonriders alike. That value is also six times more than the T's annual operating budget of over \$2 billion. The T is also hugely important on a human level and is essential for social mobility, equity, and cohesion. According to AAA Northeast, the average cost of car ownership in the Commonwealth is \$10,728 per year. The ability to live without a car or share one is a significant savings, especially for low income and moderate income households.

A Harvard University study on the equity of opportunity found that the relationship between transit and social mobility is stronger than that of many factors, like crime, elementary school test scores, or even the percentage of two-family households in a community.

Yet, this value is being diminished by unprecedented reductions in service delivery and quality, the abysmal state of good repair, and safety concerns, and leadership that has substituted austerity for vision, and we are now suffering the consequences of that failed approach to transit operations.

The Baker administration has bragged about spending more than \$7 billion in capital funds. And yet, few would say that the reliability or service quality of the T has gotten better in those eight years.

The agency's capital spending has, quite literally, come at the expense of the operating budget. As recently of this spring, \$500 million was unwisely transferred from the operating budget to the capital budget, only months before the FTA cited unsafe staffing levels at the T's control center and inadequate staffing in the maintenance department.

Deliberate decisions made by T leadership have led to outcomes that are causing daily harm to our economy, to our air quality, and to social equity.

As a direct consequence of the understaffed operations control center, the T was directed by the FTA to take corrective action. That action has slowed down subway service in ways that cause real harm to our most vulnerable transit riders. Residents of neighborhoods like Mattapan, with some of the highest travel times in the regions, often spend an extra 15 to 20 minutes each way, because of the service cuts.

Residents along the Orange Line are dealing with increased headways, as well as slow zones, nearly a month after the T promised their service would improve. The Metro Boston region cannot tolerate more disruptive shutdowns. The MBTA needs a larger, more stable operating budget to perform more regular maintenance. It needs to learn from peers, who are able to perform more

track work during longer overnight periods and without disruptive shutdowns. It needs to treat hiring more bus operators and subway dispatchers like an emergency, because it is one.

The agency must also regain the trust of riders and stakeholders by being honest and transparent. The double-speak around the Orange Line slow zones and political interference by the Governor's office during the Blue Line shutdown have severely damaged the public trust.

Finally, the agency has to move beyond the "good enough" mindset and understand that it has an obligation to provide high quality service, even during extensive maintenance. T riders deserve more than what the T's acting CEO called, and I quote, "a more manageable and palatable level of interruption."

Riders deserve service that is frequent enough and reliable enough to avoid lost wages and, importantly, they deserve to know that their public transit system is safe. Riders deserve to know when they are going to have a fully functional, slow-zone-free transit systems and what steps it will take to achieve this goal.

MBTA employees deserve leadership that is working tirelessly to improve their quality of life and works collaboratively with labor to address worker shortage.

Businesses deserve a transit system that enables customers and employees to reach them conveniently, reliably, sustainably. And the region deserves a transit agency that provides high quality service for today and one that has a vision for how to grow and modernize to meet tomorrow's needs, as well. The T needs leadership that can address the longstanding needs and expands access in order to drive mode shift and shorten travel times and shorten travel times for environmental justice communities. Our climate, our economy, and our fight for transit and economic justice cannot wait.

Thank you, again, for the opportunity to testify.

Chair WARREN. Thank you for being with us, Mr. Johnson. I appreciate it.

Mr. Nelson, I recognize you for 5 minutes.

**STATEMENT OF MATTHEW NELSON, CHAIR, MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES**

Mr. NELSON. Thank you. Good morning, Senator Warren and Senator Markey. I appreciate the opportunity to testify today. The Department of Public Utilities is responsible for the oversight of investor-owned electric power, natural gas and water utilities in the Commonwealth, and we are also charged with developing alternatives to traditional regulation, monitoring service quality, and regulating the safety of transportation, steam distribution, and gas pipeline areas, as well as the siting of energy facilities.

The DPU is comprised of a number of different divisions, including consumer division, pipeline safety division, electric power division, transportation network companies division, gas division, and a transportation oversight division.

Today, I am here to talk about the transportation oversight division, which serves both a consumer protection and a public safety function. It primarily regulates safety practices of common carriers used to transport passengers, and property, including trucks, rail-

ways, buses, and household moving companies, as well as towing companies. The division also licenses complaints regarding driver violations and accidents involving Department-licensed common carriers.

Additionally, and most pertinent to the subject of today's hearing, is our transportation oversight division's rail transit division, which serves as the Commonwealth's State oversight agency, or the SSOA. It is a rail-fixed guideway for public transportation system. The only such system in Massachusetts is the MBTA.

Federal regulations 49 CFR 674 outline the SSOA's responsibilities for overseeing the safety of the system and assessing the effectiveness of public transportation agency safety plan, the ASP, in ensuring safety.

The chief activities of the rail transit division can be divided into three general areas. First, accident investigations; second, ongoing monitoring of safety practices; and three, monitoring of large capital delivery projects.

Our rail transit division has staff on call 24 hours a day, 7 days a week, to respond to accidents and incidents. While on scene, our staff takes notes, photos, and meets with MBTA personnel to get an initial sense of what has happened. We then conduct an investigation of the incident, from beginning to end, with the purpose of ensuring that MBTA's investigation into the cause of the circumstances of the incident are sufficient and thorough.

In addition to responding to incidents, the rail transit and safety staff observe the MBTA's day-to-day safety practices and compliance with its own agency safety plan. Last year, the rail transit staff conducted 472 oversight activities, including document reviews, rule reviews, record reviews, field observations conducted on on-site MBTA properties, and as well as the implementation of processes and procedures referred to in the agency safety plan, as well as interviews with MBTA employees and inspections, meaning that the DPU observes the MBTA's officials conducting a safety activity or inspection and the DPU will evaluate the MBTA's compliance with the procedures and the standards.

The Department also oversees certification of large capital delivery projects, like the Green Line extension and the Green Line train protection system. The MBTA has its own safety certification process for capital projects, and the DPU must observe and verify that the MBTA follows its own safety certification process of new construction.

In carrying out these functions, the division operates under a set of general applicable principles. The MBTA is responsible for the development of the procedures and protocols. The DPU is responsible for the safety oversight to ensure the fulfillment of the safety functions.

The DPU takes its responsibility to ensure safety of riders and the MBTA's transit system very seriously. And we have been working closely with the FTA and with MBTA to implement the FTA's recommendations, as outlined in their final Safety Management Inspection report issued on August 31, 2022.

The Department agrees that the actions and the directives of the FTA are necessary for enhancing public transportation system safety, and the DPU is working diligently to implement those actions.

The DPU has already expanded field work, including conducting more in-person observations and weekly visits to the operation control center, both announced and unannounced. And it is working to increase its resources to be able to conduct even more field work and additional auditing of the MBTA.

The DPU is also working to hire additional staff with transit safety experience in our rail transit division, and we are actively recruiting and continually posting jobs.

The Department is dedicated to our efforts in these areas and we look forward to working with the FTA and the MBTA to ensure riders receive a safe and reliable transportation system.

And thank you for the opportunity to testify today.

Chair WARREN. Thank you, Mr. Nelson.

Mr. Poftak, I recognize you for 5 minutes.

**STATEMENT OF STEVE POFTAK, GENERAL MANAGER,
MASSACHUSETTS BAY TRANSPORTATION AUTHORITY**

Mr. POFTAK. Thank you,

Senator Warren, thank you, Senator Markey, for the opportunity to testify today before the Subcommittee.

As the oldest transit system in the country, the MBTA is a system of incredible complexity. And every day, the hardworking and dedicated employees of the MBTA serve, at this point, more than 700,000 customers per day.

Over the past several months, and, indeed, over the past year, the MBTA has faced a series of incidents that have raised concerns about the safety of our system. I want to state unequivocally, today, to the committee and to our customers, that the system is safe, but we can and will do better. I am committed, just as I know all of the employees of the T are committed, to continuing to make the T a safer and more reliable transportation system, and I look forward to sharing with this committee the significant progress we have made and will continue to make towards that goal.

We take our role in riders' lives seriously. We get people where they need to go, to grocery stores, medical appointments, school, jobs. We do it through blizzards, during parades, on holidays, and the MBTA did it throughout a pandemic that forced us to continually pivot on a sometimes day-to-day basis, rethinking our transit services as ridership plummeted, all the while with the goal of providing safe and reliable trips for our riders and protecting the health of our riders and employees.

As riders return to the system now, I understand the frustration many of them feel. I am one of them, too. I took the Orange Line in today.

On behalf of the more than 6,400 hardworking men and women of the T, we acknowledge that safety incidents have occurred and that our service levels are not where they want them to be due to staffing challenges that have forced us to make difficult, but appropriate, decisions that prioritize safety above everything else. Safety has been and continues to be our top priority. In 2019, the fiscal management control board commissioned a report, with the full support of MBTA management, by an independent Safety Review Panel. All MBTA employees were fully engaged and candid throughout the process and we embraced the opportunity to review

our safety processes and to begin to make changes in our safety procedures, many of which we accomplished.

Much as we embraced the process under which the Safety Review Panel was done in 2019, we have fully supported and collaborated with the FTA during the SMI process, which is focused on the heavy rail portion of the MBTA's system. We have had multiple meetings on a daily basis and continue to do so.

On June 15th, the FTA identified four areas that needed attention, that they considered to need immediate attention and we were able to respond by producing Corrective Action Plans that have been approved by the FTA and, indeed, have begun the process of implementing those Corrective Action Plans and are actually awaiting their verification of some of the initial ones that we have done. When the full SMI came out in August, highlighted some additional concerns, particularly around workforce levels. And we absolutely agree this is an area where we need to do better. We are not alone in our staffing concerns. Peer agencies across the country are struggling, similarly, to staff up our ranks with fully trained, fully certified employees. And we will continue to work on that. And I am happy to get into that in greater detail, some of the steps we have taken.

I just want to close by saying that we fully accept the FTA's Safety Management Inspection and we are continuing to work cooperatively with the FTA to not only develop the Corrective Action Plans, but then to implement and execute them.

I will also want to register that we are fully committed to fully funding all of the actions required to remedy any and all safety issues that the FTA identifies. So I want to thank this committee, again, for the opportunity to speak and I look forward to a discussion about what has happened here at the MBTA and what we are doing about it.

Thank you.

Chair WARREN. Thank you, Mr. Poftak. So everyone who had been paying attention recognizes that there have big safety problems with the T. The string of dangerous and deadly incidents over the last two years rang alarm bells. But even so, the findings of the FTA investigation of the MBTA and the Department of Public Utilities were shocking. The FTA found problems in both agencies, from top to bottom.

Mr. Poftak, you have been the MBTA's general manager since January 2019, almost four years now. So the problems were we are discussing here occurred on your watch. I just want to read one of the FTA's findings about the MBTA safety culture.

I heard you say, "safety is our top priority." But here is what the investigation from the FTA found. I quote. "MBTA's executive management," that is you, "does not consistently ensure its decisions related to safety risks are based on safety data or documented facts."

I nearly fell over when I read that. That is the bureaucratic way to say that your safety decisions are just made up. So Mr. Poftak, what led the FTA to make such a strong statement about your safety decisions and your leadership.

Mr. POFTAK. I think what they have called for in their special directives—and you see it marbled through a number of them related

to safety management information and, excuse me, safety communication—that we need to develop a more robust system of data analysis. Right now, we have, for the first time—we initiated it last year. For the first time, we do a monthly presentation of our safety data. However, much of it is backward-looking. And one of the things that they are calling for are more forward-looking measures. And I think that is an area where we need to become more sophisticated.

Also, we have embarked, for a long period of time, on implementing a Safety Management System. One of the four pillars of that Safety Management System is risk management and assessment. And we are building—we have built up that capability in the safety department, that has doubled in size since 2019. So that is an area, I believe, where we are making progress. The FTA’s finding, I think, clearly signals that we need to make more robust progress and, in fact, lays out a series of steps by which we can do that.

Chair WARREN. So I just have to ask, though, how can we be nearly 4 years into your term and you are just now deciding that you need to collect accurate data and need to have a way to use that data to lay out meaningful safety plans going forward?

Mr. POFTAK. I think the safety review panel report in 2019 was a real turning point, where we began to more aggressively pursue that. Again, I think the findings of the Safety Management Inspection are a clear signal to us that we need more robust systems and we need better data.

Chair WARREN. Well, I am hearing you say you have known you have a problem since 2019. And the FTA is saying that that problem is severe and urgently needs to be addressed.

Let me ask you about the action items on the FTA list. The list of necessary reforms that the FTA identifies is staggeringly long. It contains 53 specific action requirements.

So that report came out in August. It is now mid-October. How many of these action items have you completed to date?

Mr. POFTAK. We are still in the process of producing Corrective Action Plans. The way the—

Chair WARREN. I get that. But you have got 53 items that need to be addressed. How many of them are now finished? How many are checked off the list?

Mr. POFTAK. I don’t know that, off the top of my head.

What I was hopeful to explain was that we are still in the process of developing Corrective Action Plans that we submit to the FTA and then they either approve or they ask for additional information. So in fact, the last set of Corrective Action Plans that are responsive to the special directives that you have laid out in front of you, is actually due tomorrow. And we will be submitting it today.

Chair WARREN. So does that mean, none? The whole list of 53 is still out there?

Mr. POFTAK. Not—no, not none, but I do not know—

Chair WARREN. You don’t know the number?

Mr. POFTAK. I don’t know the answer, off the top of my head.

And I would note that many of these Corrective Action Plans are not sort of a binary, flip the switch. They are a multiyear process

of addressing some of the issues. And we intend to take it very seriously and do a very thorough job of addressing it.

So I would love to be able to come in and get all 53 and say all 53 have been checked off. The nature of the work that needs to be done is much, I would say, much deeper and more detailed. If you were to do it in a short period of time, it would not be done properly.

Chair WARREN. You know, I take issue with some of this, because I have read what these are. I think moving chemicals to a safer place is not something that should take place over a long period of time. This is a real safety risk.

So let me ask the question, though, the other way.

There are 53 action items that the FTA has identified as urgent safety concerns. By what date will you have these completed? I want the public to be able to rely on this. We want to be able to check this and have some real accountability.

Mr. POFTAK. We are still working that out with the FTA, waiting for their approval on a number of these. So I can't—I can't put forward a date on something that the FTA hasn't signed off on.

Chair WARREN. All right. Let's assume they say this is the right approach. When are you going to have to this done?

Mr. POFTAK. It truly varies from Corrective Action Plan to Corrective Action Plan.

Chair WARREN. Well, are you going to get some of them done right away?

Mr. POFTAK. Yes, absolutely, we will get some of them done right away. Again, I don't have a specific number, off the top of my head. Some of them will take much longer. Some of them will be multiple years in their execution.

Chair WARREN. You know, I just want to make clear. Making these safety changes is not optional. It is a matter of basic safety for your workers and for your riders. And that means that we need to see that these have occurred and we need them out there, where they are transparent, where people can see them.

So I just want to take a look here at your record. What we are doing on this, we need to get this information and we need it get it fast, on this correction.

Mr. Nelson, I want to take a look at your record. You are chair of the Department of Public Utilities, which has primary oversight of the MBTA. You have been at the helm since January 2019, almost 4 years, almost exactly as long as Mr. Poftak has led the MBTA. It is your job to make sure that the MBTA is doing its job, and you are failing. Again, according to the FTA, the DPU does not use its resources or its authority to effectively identify and address safety issues. The FTA concluded that, "DPU has not demonstrated an ability to address MBTA safety issues and concerns." Translation: DPU is not capable of doing its job.

So Mr. Nelson, let's break this down. When did you begin to understand the extent of the problems at the T?

Mr. NELSON. FTA conducted their audit in 2019, and we received the final report of that 2019 audit in December of 2020. We became aware of some of the findings of that report through drafts and conversations with FTA, where they have highlighted things that they wanted us to address.

So I would say, in 2020, we started to find indications of where FTA was marking areas that DPU needed to improve.

Chair WARREN. So I just want to make sure, because you are the front line on oversight here. So you didn't realize that the T had any of these problems that the FTA documented for you until the FTA came forward at the end of 2020 and said, here are the problems?

Mr. NELSON. That makes it—

Chair WARREN. What were you doing in those first 2 years? This is your job, is to oversee the MBTA. Where were you?

Mr. NELSON. Yes. Absolutely. So I think that is a fair question.

Chair WARREN. Good.

Mr. NELSON. The answer to that question is, the Department—when we took an assessment of the situation on the MBTA, we started to develop a hiring plan to bring more and new people into the unit, the rail safety unit, in 2020. Right? We developed it in 2019 and we started bringing people in in 2020. We had a management change in 2020, as well. I brought in a new director and I have a new assistant director to take over that program. And we hired additional staff. We got up to, I think, eleven FTEs. Because I think one of the themes you are going to see throughout the entire FTA report is the Department needs more of a presence to oversee all of these activities and all of these actions going on at MBTA.

Chair WARREN. Wait a minute. I just want to get the timeline straight, here. So for 2 years, at the beginning, this is the 2019–2020, FTA has come in, they identify all of these problems. You didn't even know any problems exist.

Starting in December of 2020, you now say, okay, we see the problems, we have got the report from the FTA, so we start hiring people. Now the problems, obviously, continued. The FTA comes in and, in a matter of weeks, writes up a report that identifies at least 53 actions that the MBTA needs to take.

Where were you during that second 2-year period?

Mr. NELSON. So again, I think it is not that we weren't taking any actions. I mean, the Department took a number of normal enforcement actions.

Chair WARREN. Well, the FTA obviously thinks you not only didn't take action, but you are not even capable of taking action.

I want to understand what you understand as why the DPU drew that conclusion.

Mr. NELSON. Drew what conclusion, Senator?

Chair WARREN. The conclusion that you are not doing your job and that you are not even capable of doing your job.

Mr. NELSON. I think that the answer to that question is: The Department, in and of itself, needs to do more to oversee the actions that have happened on the MBTA. There were a number of—you have highlighted, in your letter to me, there were a number of collisions and derailments that occurred that set off alarm bells at FTA and at DPU. We were on site on every one of those accidents. We have taken action on some of the Green Line speeding incidents that occurred, that led to a passenger car colliding with another Green Line. And so we have been taking actions outside of the SMI.

Chair WARREN. Obviously, you have not taken enough action.

Mr. NELSON. I am not arguing that we have. We need to do more.

Chair WARREN. And the FTA cannot come in and find the kinds of mistakes it finds, if you had been taking action.

And I just want to underscore this. If you can't identify what is wrong from the past five years, then how can anyone in Massachusetts have confidence that you are actually going to fix this going forward? You know, you are the chair, Mr. Nelson. So let me just ask about what is going on here.

Mr. NELSON. Sure.

Chair WARREN. Your background experience is with natural gas and electric power divisions, nothing to do with transportation. Is that right?

Mr. NELSON. I worked for the Department of Public Utilities in both the natural gas division and the electric power division, as well as the Bureau of Labor Statistics.

Chair WARREN. And my question was, nothing to do with transportation. Is that right?

Mr. NELSON. Correct.

Chair WARREN. Correct. And Robert Hayden and Cecile Fraser are the other two commissioners. Is that right?

Mr. NELSON. That is correct.

Chair WARREN. Hayden's primary experience with the department is in pipeline safety. And Fraser's background is in energy and utility industry. Is that correct?

Mr. NELSON. Yes, and she has a siting background, as well.

Chair WARREN. And neither has a background in transportation. Is that right?

Mr. NELSON. That's correct.

Chair WARREN. Okay. So none of you, none, has any experience in transportation or transit safety and oversight. Is that right?

Mr. NELSON. In specifically transportation safety?

Chair WARREN. Yes.

Mr. NELSON. That is not our background, no.

Chair WARREN. I am concerned because I think part of the problem may be, here, that you don't understand what your job is.

In your recent testimony to the legislature's joint committee on transportation, you stated, "We are an auditing department."

Mr. NELSON. Sure.

Chair WARREN. And you also said, "We have done what we are required to do."

You say you have no additional responsibilities here, but the FTA obviously sees this differently. In its report, the FTA said, "While DPU has the authority to require MBTA to take expedited action to implement its SMS and address other safety concerns, the agency rarely invokes its authority to compel such action," which doesn't sound like they think your only job is as an auditor.

So how do you reconcile your claim that you did the job you were required to do, with the Federal oversight agency's assessment that you did not?

Mr. NELSON. So again, to those questions you were quoting, I think that, when I was referring to, "We have done everything that we are required to do," there is nothing that the FTA has asked

us to provide that we have not provided. That was the context there.

The DPU certainly—fundamentally, here is what I think the problem is.

Our role is to oversee and regulate MBTA safety. We do that, primarily, through being in the field, observing their actions, making sure they have a comprehensive safety plan, making sure people are trained, making sure people are working the hours they are scheduled to work, making sure that we can go on-site, both scheduled and unscheduled, ensure that we look at all of the activities in the rail yard, that people are following the procedures. Historically, right, prior to 2018, the division was run in a reactive way, where we would wait for an accident, we would investigate the accident, analyze the root cause, and ensure that whatever was the cause wasn't happening again.

FTA rightly has changed to a proactive approach. The proactive approach is—

Chair WARREN. Mr. Nelson, let me stop you there.

If you are going to make the argument that you have been using this great proactive approach and changing from 2018, and since you came in in 2019, you are using a much better approach, you are not going to succeed with this argument. You are going to fail in this argument.

Mr. NELSON. That is not what I said.

Chair WARREN. The FTA has made clear, you are not doing your job.

Look, I appreciate that these are tough problems, and there are a lot of reasons why safety risks on the T have grown over time. But the only way out of this is with accountability.

Mr. NELSON. Sure.

Chair WARREN. And leadership failures from top to bottom, that don't acknowledge where the problems are and put real action plans in place, not just to fix these problems over some indistinct timeline into the future, but actually where you are holding yourself accountable to the public and saying, we are going to get this much done by this date.

If we don't have that, then we are not going to have a T that gets better, that gets safer, and one we can depend on. And that is just not acceptable. The people of Massachusetts are entitled to better. Senator Markey.

Senator MARKEY. Thank you, Senator Warren. And thank you for your line of questioning.

Because what we are hearing is staggering, and it is pretty clear that at least two things have to happen. One is that the MBTA needs to meet the FTA's specific action requirements safely and comprehensively, to ensure the safety of the T. And two, the DPU needs to start taking seriously its safety oversight of the MBTA.

I agree with Senator Warren. The DPU has not been a watchdog. The DPU has become a regulatory black hole into which all of the safety issues fall, even though they are supposed to be identified and then cleared up, in terms of the operations of the MBTA. And that has not happened. There is a huge regulatory black hole that exists.

And now I would like to open up a third item.

The MBTA needs to clearly and transparently communicate with the public. Simply put, I think it has been alarming to the T's riders, how often the MBTA has not communicated simple facts about its operations or its safety incidents. And I would like to focus on a specific example, the Orange Line shutdown.

Mr. Poftak, on August 19th, when the Orange Line shutdown began, you said that the shutdown that the T riders would have to endure would guarantee a faster service on the Orange Line. At a press conference on September 13th, 6 days before the Orange Line was supposed to reopen, you said the Orange Line will get faster. The only caveat is that it is going to take a couple of days.

But, according to TransitMatters data, Mr. Johnson's organization, that has not been the case. Before the shutdown, residents traveling from my hometown of Malden to Boston's Haymarket Station on the Orange Line could plan for about a 13-minute trip.

Currently, nearly one month after the conclusion of the Orange Line shutdown, that trip is taking about 21 minutes. A shocking 60 percent increase in travel time. Mr. Johnson's head is nodding.

Mr. Poftak, is service faster on the Orange Line since the shutdown?

Mr. POFTAK. I think you have empirically demonstrated it is not. And the statements that I made were based on the work that we did as part of the surge. And that work was successfully completed. And the places where that work was done, indeed, have had slow zones lifted.

What I failed to communicate, and I will take personal responsibility for this, what I failed to, I think, fully comprehend and then fully communicate in a way that was digestible to the public, was that our track engineers, as part of their work, not only inspecting the work that had been done on the track in that stretch—and it is really that stretch from North Station to Assembly that is the one that has the most significant slow zones. In the course of doing their work, they identified other areas that they wanted to work on and they felt like it was important to work on those areas, previous to the winter, where a track repair is significantly more difficult.

And indeed, that work is now underway. It is being done. It is typically being done on the overnight. But you need to have a slowdown in place in order to do that work.

I failed to properly communicate that. However, I do continue to stand on the principle that I want my track engineers to feel that they have the agency, if they identify something that they want to work on, regardless of whether or not we take a hit in terms of public credibility, the priority has to be safety. And we will continue to prioritize safety. Obviously, it has come at an expense with your customer base, in terms of credibility.

Senator MARKEY. So I live five blocks from the Malden station. Malden High School, last year, 25 percent white, 25 percent Black, 25 percent Latino, 25 percent Asian. In other words, your constituency; a changing constituency. And one that is very dependent upon the T. These are young people going to Bunker Hill Community College or UMass Boston. They are using the T to go to work in a restaurant in Jamaica Plain. The Orange Line runs from Malden to Jamaica Plain. So that becomes a way in which people

can get educated, can go to work, can visit their relatives, but it is essential that it be working.

So the MBTA does not release comprehensive speed data so that those people can understand how fast it is running. They should not be dependent upon Mr. Johnson and his organization. We thank him for doing it. Will you commit to releasing data on average train times on the T, so that the public can see it in the same way they can see how long it takes for a plane to take off and actually land, and have some idea as to what adjustments their families are going to have to make? Will you release data on average train times on the T?

Mr. POFTAK. I think that is a fair request. Yes, we will release data on average train times.

Senator MARKEY. Okay. I think that is absolutely essential for families.

So the extra travel time is actually now affecting families in a dramatic way. A 60 percent increase in the time it takes for them to travel is very significant.

The next question which I have is, from my perspective, is there a point at which the MBTA has over promised? And what went wrong with the Orange Line? And why wasn't the problems with the Orange Line, in terms of the completion of the work that you said you were going to complete in that 30-day period, communicated to the T riders, so that they could make plans that were adjusted to the much longer time that, obviously, it is taking to complete the Orange Line? Why was that not communicated to the traveling public?

Mr. POFTAK. I think, just to be clear, everything that we said we were going to do during the 30-day surge was done. There was additional work that was identified. I think there was a failure in internal communication to fully comprehend the impact on our riders and a failure on my part, not only on that comprehension, but also to communicate it in a way that was broad based and effective.

I know we have had a bunch of sessions with various media members. But clearly, the message did not get out in a way that was digestible to customers. And I acknowledge that that has a customer-facing impact.

Senator MARKEY. On September 13th, you said that, during the shutdown, you were tagging six critical slow zones along the Orange Line, adding, "We are confident that we can get those six pulled off."

In the past week, you acknowledged that the MBTA is continuing to work on the Orange Line, including efforts to alleviate the slow zone between Tufts Medical Center and Back Bay Stations. The MBTA also said last week, that it is still needed a machine to go over the newly replaced track in order to ensure it is properly settled.

To me, that sounds like critical work to alleviate the slow zones, which you stated would be done during the month-long shutdown back in August and September.

If you knew the shutdown was not going to fully fix these slow lanes and get the Orange Line back to full speed, you should have communicated that to the public at that time, so that they could

understand what the impact on their lives was going to continue to be.

Why did you not do that? Why did you not give all of that information, at that time, to the public?

Mr. POFTAK. I draw a distinction between two things. There was the six zones that we identified where, indeed, the work was completed and we have been able to lift the slow zones.

There is additional work somewhat adjacent to at least one of those work areas, in the North Station to Assembly Square area, that became follow-on work that, I think, we have talked about in some detail.

And then there is the distinction between, we were able to lift the slow zone on one of the sections between—we define slow zones as a 10-minute-an-hour speed restriction. We were able to lift it to 18. We are now working out a process with the FTA about what additional work we would need to do to get up to a 25-mile-an-hour, which is, sort of, the as-constructed speed. So we have lifted the slow zone from 10 to 18, but there is an ongoing discussion, and then there will be a work plan to follow, to get to that 25-mile-an-hour posted speed.

Senator MARKEY. Right. My only point is, you should have just said that. The people of Malden could understand that. You need more fasteners, you need more machines to be able to ensure that the tracks are settled. Just tell them that. But you didn't do that. They were assuming it was going to be faster because you said it was.

So let me ask you this.

People want a specific date. On what specific date, Mr. Poftak, will service on the Orange Line be faster than it was before the shutdown, as promised?

Mr. POFTAK. And I cannot give a specific date, because that is dependant on, not only field conditions, but also the judgment of our field staff and our inspection staff. And I feel that it is my duty and my responsibility, as a leader of this organization, to prioritize safety. And if I put a date in place, it doesn't prioritize safety. It puts pressure on field staff to make a decision that is not based on what is the safest condition in the field; it forces them to make a different decision.

So I regret that I can't give you a date, but I hope that explanation gives some texture to why.

Senator MARKEY. Mr. Poftak, following this hearing, will the MBTA publicly release a list of the work that still needs to be done to get the Orange Line up to full speed? Yes or no.

Mr. POFTAK. Yes, we can do that.

Senator MARKEY. You can do that. And I think that is critically important, because I don't think we are talking about days here, or weeks; we are talking about months before the Orange Line is running faster than it was before the shutdown.

Thank you, Senator Warren.

Chair WARREN. Thank you, Senator Markey.

So the persistent safety issues of the MBTA and failures of the MBTA leadership and the DPU leadership to address them have a serious impact on hundreds of thousands of riders who depend on

the T to get around the city, to get around region, and on the T workers who work to make that possible.

So I just want to spend some time talking about the consequences of the DPU and MBTA's failures for Massachusetts residents and communities.

Mayor Wu, you are an Orange Line rider. So from your experience riding the T over the last few years, and where you sit in the Mayor's office, how have the T's safety issues—what kind of impact have they had on commuters and on the city of Boston and the region generally.

Ms. WU. Well, the most obvious and devastating impact is the injury and loss of life that has been highlighted and, unfortunately, not in infrequent stories and situations. And this has been, as you have discussed, driven by a lack of clear safety culture and the decades of deferred maintenance and vacancies and staff shortages that have pulled the existing, hardworking staff in multiple directions.

Riders should not have to wonder, when you are getting on the T in the morning to go to work or trying to get home, whether there is a question of if you will make it back to your family. And that has daily quality-of-life impacts for our residents, when people aren't sure if they are going to get docked pay or are struggling to make plans or making important life choices about whether or not to stay in the region, whether companies can locate here.

When we can't trust, when our confidence is shaken, when ridership goes down, that means more traffic for everyone. That means the entire region is paralyzed. So any question of safety hurts our residents and it hurts our economy.

Chair WARREN. Thank you.

We know that, when public transportation systems break down, the burden does not fall equally on everyone throughout the region. Vulnerable communities are disproportionately harmed by reduced service and extended delays.

In fact, Mayor Wu, I think you have pointed out in the past, that black bus riders spend 64 more hours, on average, on stalled buses every year than white bus riders. And this is why safe and reliable transit is so important for addressing economic and equality and racial injustices.

Mr. Johnson, your organization, TransitMatters, has led the charge for convenient and equitable mass transit for Metropolitan Boston. How have the MBTA and DPU's failures to adequately fund, manage, and oversee our transit system worsened transit access for underserved communities?

Mr. JOHNSON. Residents in underresourced communities are more likely to be hourly workers or be in precarious employment. So the unreliability, the service cuts, and even the poor planning in relation to the Orange Line shutdown, literally took money out the pockets of these folks and left some of them vulnerable to termination.

So we often think about low income residents who use the bus to transfer to the subway. So they have been hit doubly hard by increased headways on both modes.

And critically, as Mayor Wu mentioned, the fear of unreliability or concern for safety has pushed a lot of people to drive. And so

for low income people, that means either higher cost or, for bus riders, that means more traffic and longer bus commutes.

Chair WARREN. That is a very powerful point about the impact all the way through the system.

So the MBTA's and the DPU's failures to competently manage and invest in the T have left many families without safe and reliable transit. And if this incompetence continues, the T is going to see more shutdowns, more delays, more crowding, more derailments, and, potentially, more accidents.

Mayor Wu, you often talk about safe, reliable, affordable public transportation. As the foundation for our shared prosperity and growth, what do you think we need to do to make sure that the MBTA equitably connects Bay Staters to the resources they need, and to each other?

Ms. WU. We need a clear vision; proactive, strong leadership; and the determination to get it done by prioritizing our communities, the riders and everyone who is impacted by the system. That means not just funding safety and maintenance and talking about why we can't do things or why we haven't, but really ensuring that we are pushing beyond that, to the projects that need to be done, accelerating building the credibility and faith in the system by looking to give clear commitments on where we are going to go and when we will get there. So fundamentally, all of that.

And I know the general manager has one of the most difficult jobs anywhere on the planet and this is coming after decades and decades of getting us to this point. But there are still ways in which, even today, changing the HR practices, really focusing in on hiring. We were proud to partner and help host a job fair on City Hall Plaza for the MBTA. But there are thousands of vacant positions that need to be filled, the wages need to be higher to attract people to those roles, so that we can begin to chip away at the currently unacceptable wait times and headways.

Chair WARREN. Thank you. I appreciate it. I think you are exactly right. This is about leadership, it is about vision, it is about having a plan. And then it is about executing on that plan and some real accountability for that execution. That is what people in Massachusetts deserve. Senator Markey, do you have some more questions?

Senator MARKEY. Yes, please. I thank you, Senator.

Mr. Poflak, in addition to the one-month closure of the Orange Line and the partial closure of the Green Line, which is still in effect, does the MBTA currently have any plans to shut down other lines, the Red Line, the Blue Line, other parts of the Green Line?

Mr. POFTAK. If the question is, do we have a plan to do full line shutdown, the answer, right now, is we have things that we are thinking about over the next year, but the answer is, right now, we don't have any definite plans.

If I may be so bold as, perhaps the subtext of your question is, I know there was kind of a community conversation and some rumors and, I think, some premature posting on the website about a Red Line shutdown, a long-term Red Line shutdown in the later part of this year. There will not be such a shutdown. There may be periodic, much smaller ones, on the weekends. We are doing some weekend shutdowns now, on the Braintree branch, for in-

stance, in the early evening, to get additional track work. So we will use much smaller diversions.

But if the question is, will we do anything on the scale of the Orange Line, right now, we do not have any current plans to do that. But we will share them. And to Jarrod's comment, we will attempt to share them with as much advance notice as possible.

Senator MARKEY. Okay. Well, all I am really advising you, sir, is to just communicate. Put it out there. Just let people know. Mayor Wu got two-and-a-half weeks notice that a major transit line, the Orange Line, was going to be shut down for a month. That is all she got for notice. That is just wrong.

The city depends upon that artery for its proper economic and social functioning. And Mayor, I think, one of the, I guess, silver linings of this, and unexpected successes coming from the Orange Line shutdown, was the City of Boston offering free 30-day passes to the Bluebike share system for the duration of the shutdown. Can you talk a little bit about that and what we might have learned about ourselves, because of that shutdown?

Ms. WU. Our teams at the City worked really hard to not only try and support the work happening with the T and make that possible underground, but to imagine new possibilities and try to push so that people had every possible option.

We were expecting, with free Bluebike, 30-day free Bluebike passes, the maybe eight or nine thousand people might take us up on that. It ended up that 60,000 people claimed those free passes. It was 300,000 rides taken during that period, which was a 50 percent increase compared to that same period last year, with hardly any notice, as you said.

Before the shutdown, the Bluebike system's daily ridership record was just over 18,000 rides in one day. And during the shutdown, it was 27,000 rides. We set nine different daily ridership records, just breaking the records day by day by day, in just that period.

So bikes can move people across Boston, if we have the infrastructure, if we take down barriers. And it is worth noting that that biggest surges were actually during weekends. So people are needing to get around, not only to get to work and make those critical investments, bring home salaries for their families, but to spend money at our local businesses, to enjoy, to keep dollars flowing in our local economy.

So just the social connections, the business connections, the local investments, that is all important. We need to make sure that we are using every avenue of public transportation.

Senator MARKEY. So this is actually a remarkable story. Because on the busiest days of the free rides, Bluebikes were transporting the equivalent of two-and-a-half bus lines, or a quarter of all of the Orange Line, on a daily basis.

So how important is it for us now to consider the funding of free bikes for people, seeing what this last experience has just revealed to us about the interest and the adaptability of the people in Boston.

Ms. WU. It is an essential part of our infrastructure. And the demand is there. The appetite is there.

We are working as fast and hard as we can, at the City level, to make that infrastructure safe, through design investments and street choices. But removing financial barriers, as you see, with everything else constant, immediately has an impact.

And I want to thank you for your leadership, alongside Congresswoman Pressley, for ensuring that, at the Federal level, that conversation is moving. This is exactly why we need it. When you lower barriers, you can open up whole new avenues for people to get around.

Senator MARKEY. Yes. Senator Warren and I and Congresswoman Pressley, we are committed to partner with you in order to accomplish this goal.

The City of Boston has been undertaking several other experiments in fare-free transit, including making the 23, the 28, and the 29 bus route free for two years. Why did you choose those routes?

Ms. WU. Those are three of our busiest routes through the city of Boston. The majority of riders are designated—are low income riders. They are also, vast majority, serving riders of color and run through our neighborhoods that are in key economic corridors.

We have seen that access to affordable transit is one of the greatest predictors of social and economic mobility, as Mr. Johnson was outlining. So this is not only about reducing the financial burden, but connecting everyone to opportunity and ensuring that the buses move faster as well. We have seen benefits on all fronts.

Senator MARKEY. Mr. Johnson, you and your organization are the conscience of our community in transportation. Do you think the MBTA has been doing enough to advance fair and equitable transportation?

Mr. JOHNSON. Not as much as they could. I think there have been some great steps, but the T could be doing more to promote fare equity.

They could look at instituting fare caps, when they introduce their new system. And that is where riders who can't afford a weekly or a monthly pass, are guaranteed that they will not pay more than that pass amount, even if they are going on a pay-as-you-go basis.

The T could also significantly lower commuter rail fares, which would help low income people who are displaced from the city, and longtime gateway city residents. During the shutdown, I think an additional 8,000 riders a day, took advantage of the commuter rail, because it was essentially free or the same price as the subway within zones 1 or 2. And the T should even look at a fare cut, perhaps, to even have subway fares match bus fares, stimulating demand, and as a way to demonstrate—to sort of makes things better for folks.

Senator MARKEY. Thank you, Mr. Johnson.

Chair WARREN. So let's talk a little bit about the future. The FTA report does not cover either busses or commuter rail, but there is a lot of work to be done there, as well.

And with the right vision, the right leadership in place, we could make the overall system of the MBTA safer, more reliable, more equitable. Doing things like investing in bus and commuter rail electrification, expanding service, making sure everyone can afford to ride.

So earlier this year, I met with the Environmental Justice Corridor Coalition, a group that was convened by Senator Brendan Crighton, and it includes State and local officials that represent Lynn, Chelsea, Revere, Everett, and several of the North Shore communities. Our discussion focused on how this investment would improve service, how it could reduce long-term maintenance costs, how it would help us meet our client goals, support housing development, and address traffic congestion. It also would create new jobs, promote regional economic prosperity, and advance environmental justice.

So Mr. Johnson, your organization has been one of the foremost advocates for electrification. You, personally, have studied electrification extensively and become an expert on this.

Let me ask. How much would it cost for the T to electrify its commuter rail network?

Mr. JOHNSON. Well, with competent project management and using some of the same techniques from the last successful and relatively affordable electrification of the Northeast Corridor from New Haven to South Station, that estimated cost would be about, between 3 and 5 billion.

And so yes, the up-front capital costs are higher than alternatives and diesel. But the long-term savings and the benefits to communities and the environment are huge. It is also important to know, too, that many of the MBTA's locomotives have a failure rate of every 5,000 miles, which is about 25 times less reliable than even mediocre electric multiple units. This is because electric trains have fewer moving parts, and also, many of the T's passenger coaches are outdated and a majority of the \$10 billion state of good repair backlog is on the commuter rail system. So electrification isn't an add-on; it is state of good repair.

Chair WARREN. So more money up front, but bigger savings over a longer period of time. Right?

Mr. JOHNSON. Absolutely.

Chair WARREN. You know, you have got to pick your moments for making the big changes. Right now, the Commonwealth has a substantial surplus. The Commonwealth is receiving—or actually, the MBTA is receiving \$580 million in new Federal funding from the Bipartisan Infrastructure Law for new projects. We have got the Inflation Reduction Act, where money is coming in to try to help us move to green.

Let me just ask, Mr. Johnson, how would investing in electrification boost the local economy and support historically underserved communities in Massachusetts?

Mr. JOHNSON. Yes, electrification of the commuter rail system is key to the State's greenhouse gas emission reduction goals. Scientists have pointed out that, even with electric vehicles, we cannot reduce our greenhouse gas emissions without dramatically reducing driving. Electrification of the commuter rail would drive mode shift with faster, more reliable trains. And electrification also allows us to run more frequent service.

Commuter rail runs through many environmental justice communities, either without stopping or with fares that are too high. In electrifying the system, we must foreground equity, and this means adding stops in environmental justice communities, lowering the

fares, and ensuring that we have diverse labor force that is modernizing that system. So again, if we are going to achieve the State's climate road map and further equity, transportation has to be a key part of that. And it is also going to be critical to support the housing growth that we need to have in communities across the State.

Chair WARREN. Right. This is the moment. Instead of continuing to pour more and more money into dirty, unreliable technologies from the last century, we could actually replace broken down trains with electric ones, have more electric buses, cleaner for the communities that they go through, and, exactly as you say, add more stops, make sure it is affordable, and it helps enrich the entire region.

So does the T currently have plans for electrification, Mr. Johnson?

Mr. JOHNSON. So the T is working towards bus electrification. The T does need more capacity to accelerate this work. The bus garages themselves are a critical road block to electrification.

But we can't stop there. Obviously, in order to have the system that we need to have in the future, we need to work on electrifying trains. And for that, the T does not have comprehensive plan. The T has blown past self-imposed deadlines to being working on commuter rail electrification and is, instead, pushing unproven and unserious solutions that will not deliver the full benefits of electrification. And critically, we know this because the Governor strangely intervened in the legislature's bond bill, to contradict the T's own planning efforts.

Chair WARREN. Right. I have to say on this, I am very glad we are making progress on buses and electrifying buses. It is exactly the right thing to do.

But I am mystified why there is no plan in place to do the same with commuter rail. It would mean a faster, more reliable, and, over time, a more cost efficient way to provide transportation. It is a win-win on so many levels. And we should be using this moment and the resources available to us, to implement that vision. It would make a difference for generations to come.

So Mayor Wu, I am going to do my last question with you.

Would expanding T service to new parts of Boston and to surrounding communities help our city grow and better serve families throughout the region?

Ms. WU. Unequivocally, yes. That question is music to my ears. For Boston to be a city for everyone, we are all-in on being a green and growing region. And sometimes, we see all of the new growth, and it is not enough, we need more affordable homes.

The reality is, Boston's population used to be even higher. Seventy years ago, we were over 800,000 people. And we want to get back to being able to have the infrastructure to support that equitably.

But all of our decisions now, the planning that we are doing in Boston, the housing creation, the schools that we investing in, it all hinges on being able to have a reliable, world-class public transit system. The T, at its core, is about investing in jobs and education and healthcare and housing for people who previously didn't have a way to reach that.

So I think we need to look to the previous maps that existed. You will see former versions of plans had a much broader reach for the system. Even on many of our lines, the current end points were never intended to be the end points for those lines. So we have to get back to that sense of ambition and possibility, and know that this would grow our economy, strengthen our communities, and really advance equity.

Chair WARREN. Yes. I very much appreciate your putting that vision forward. I want to thank you, both of you, you and Mr. Johnson, for your advocacy for the T and your leadership and your vision in this area. You know, we are talking about safety. And these are terrible problems that must be remedied immediately. But we can't let that be the end of our ambitions. This is a moment when we can talk about expanding transit throughout the region. And there are so many advantages to doing this. And frankly, the costs are just too damn high if we don't do it.

So we need to seize on this moment with the leadership, with the vision, with the plan, with the resources to make the changes that will help us be the region we want to be, the Commonwealth we want to be in the 21st century.

I want to thank you for being here and being part of this.

Senator Markey, do you have any final questions you want to ask?

Senator MARKEY. If I may. Thank you.

Chair WARREN. Please. Of course.

Senator MARKEY. Thank you, Senator Warren.

We have come a long way since 1900, the dawn of the T. Back in 1900, there were a grand total of 4,000 internal combustion engine vehicles in the United States. That is all we had. But there were a lot of horses. Horses for 6,000 years, up until that point, had been the mode of transportation along the planet. And in Boston, it was getting to be a pretty big public health issue, as we were going up to 800,000 people and horses were the means of transportation.

So we moved to the internal combustion engine after 6,000 years. The life expectancy, if we do it right, of the internal combustion engine, is running out now. It might have lasted somewhere between 130 and 150 years. But by 2050, we don't want to see them on our streets anymore. They pollute. They harm the planet. And we have solutions that are in place.

Senator Warren and I, we fought hard and included \$116 million for the MBTA as part of the FTA's low and no emissions vehicle program. That grant is going to go a long way towards purchasing 155 new battery, electric buses to support the MBTA's transformation to a zero-emission fleet, which they aim to do.

Maybe Mr. Johnson, Mayor Wu, you could talk about that and why that is just a good start. Because we have a lot more to do.

Mr. JOHNSON. Sure. I mean, I think some of the steps the T can take is to commit to full bus fleet electrification in the 2030s. So that means, again, increasing that capacity so that the T could deliver multiple bus garages at a time. That is developing a realistic plan to electrify commuter rail and prioritizing low income communities and communities of color in that planning.

But also, I think what is really important, too, is that the T should work with community development corporations, workforce development agencies, public housing, the City, to develop an electrification workforce that reflects the ridership and helps us advance economic justice for low income communities and communities of color.

Senator MARKEY. Mayor Wu.

Ms. WU. I will say the bottom line is, we need the T and everyone across the region to see public transportation with a longer-term, both-end approach. Yes, we need to prioritize safety and ensure that there is fiscal health for the organization and how it runs. But that can't be at the expense of having a clear pathway to getting the things done that, in the end, save us money and are basic for our health and wealth as a community.

Senator MARKEY. Yes. And you are the green new deal mayor and your goal is to make us the greenest, cleanest city in the United States and the world. So we want to, obviously, be as helpful as we can be to you, in order to make it possible for you to implement your vision for the city. I think it is very important.

This is kind of back-to-the-future quality to this. When I was a boy, I would have to walk up to the Fellsway to get onto the trolley car, which was electrified, to take me and my mother and father into Sullivan Station and then on to downtown Boston and, for me, then, out to Boston College. Of course, that was an hour-and-25 minutes, by the way, each way.

But it was there, if you don't have a car. My father would get off at the Hood Milk Company, in Charlestown, at Sullivan Station, using the electrified trolley. But a big decision was made, pull up all of the electrified trolleys and let's just make it very safe for internal combustion engine to take up every single bit of space along the highway.

And now, there is a kind of a reflection that we are making, about how smart some of these people were a long time ago, in terms of looking at electrification, realizing the lower levels of pollution. And that is really what we are committed to doing.

So I guess what I would ask, Madam Mayor, are there other steps that you want the T to be taking here, in order to move, in order to be able to implement your dream of the city?

Ms. WU. I think the general manager knows my list well. There are a couple of them that I have been harping on for some time.

I think what I would like to emphasize is that there are big projects that are going to take time and resources, and just listen to Jarrod on every one of those.

But there are things that can be done in the very, very immediate short term, as well. Fare equity on the commuter rail system could be done tomorrow and would likely boost ridership on the commuter rail, to then ease the congestion and the load and burden on other forms of transit and on traffic, as well.

Moving to expand our fare-free bus pilot. Thinking about how the City of Boston and another municipality have a direct seat in the governing structure through the legislation that is up at the State House right now. That would be a game changer for how we move forward, even starting right now.

Senator MARKEY. And Mr. Johnson, I just want to give you a chance to echo what the Mayor just said about equity, about justice, about ensuring that we have cleaner, fairer system.

Mr. JOHNSON. Absolutely. I mean, I would echo the points that Mayor Wu made. But I think one of the first things that we have got to do, too, is we have to address the headways on the subway and the bus. So that means, whether that is working with the FTA on newer drug testing, that is conscious of the fact that marijuana is legal in Massachusetts; working with local community colleges to get more people into the pipeline; again, working with labor to have some collaborative solutions on how we can raise pay, improve working conditions, and get people started at full-time pay.

And I think one of the other things is the T needs to move towards a 24-hour system. Not only will this help third-shift workers, hospitality workers, some of the lowest income folks in our community, but it could also be part of the solution for bus drivers. Right now, you can't get to a bus garage if you don't have access to a vehicle all the time, for an early shift.

And again, echoing what Mayor Wu said on the fare system. We have to have a simpler and cheaper fare system. A great example is, in Lynn, two-thirds of the people in the immediate station area around Lynn are low income. But less than 10 percent of the ridership on the commuter rail is low income, because of those fares. That is something that the T could do tomorrow.

And then, finally, addressing the connectivity and some of the commitments that the T needs to honor to environmental just communities. So things like the Mayor mentioned earlier, Red to Blue connector; advancing the great work that the T and the City are doing along Blue Hill Ave.; addressing the Mattapan line; and again, just thinking bigger about what the T can accomplish.

Thank you.

Senator MARKEY. So thank you. And thanks to the both of you for giving us a vision for a more just, more equitable, more sustainable, and more efficient public transportation system in the city of Boston, as a model for the rest of the country. Thank you so much.

And thank you, Senator Warren, for bringing this hearing to Boston in an extremely important, timely moment in our history. Thank you.

Chair WARREN. Thank you very much, Senator Markey. You are always a great partner in these things.

We held this hearing because it is crucial to understand what has gone wrong, so that we can remedy it and move forward to something, not just a little better, but a whole lot better.

The people of the Commonwealth deserve a reliable transit system that works for them and works for their families. And to achieve that vision, we need new leadership from top to bottom. We need people with experience who will listen to the voices of workers and riders and other local partners. Senator Markey and I are committed to being good partners at the Federal level and we will continue to fight for funding for transit. But the State has to use that funding responsibly. Ultimately, the Governor has the authority and the responsibility to hold accountable the entire chain of command at the T. The current governor is leaving, but the incoming governor will have an opportunity to step up with a vision, a plan,

and a willingness to hold T management accountable for turning that plan into a reality.

If we truly commit to it, I have no doubt that the MBTA can once again be a leader in public transportation for our entire Nation.

I want to thank all of our witnesses for being here.

Senator Markey and I want to hear from our Massachusetts constituents on the issues that we discussed today. You can go, anyone who wants to can visit my website at Warren.Senate.gov to share your comments about these issues, and they will be included in the official record of the hearing.

Questions for the record are due 1 week from today, Friday, October 21st.

And for our witnesses, you will have 45 days to respond to any questions.

So thank you again for being here.

And with that, this hearing is adjourned.

[Whereupon, at 1:14 p.m., the hearing was adjourned.]

[Prepared statements responses to written questions, and additional material supplied for the record follow:]

PREPARED STATEMENT OF CHAIR ELIZABETH WARREN

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 2 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 2-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 MBTA 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.

PREPARED STATEMENT OF SENATOR EDWARD J. MARKEY OF MASSACHUSETTS

Thank you, I'm glad to be here with you today. My deep thanks to my colleague, Senator Warren, for chairing this hearing and for convening us all today. I'm also grateful to Administrator Fernandez, Mayor Wu, and Jarred Johnson, for being generous with their time here today and for all that they do to push for transit justice, here in Boston and across the United States. Finally, my thanks to General Manager Poftak and Chairmen Nelson for their willingness to come before us.

There are two stories we must tell today.

The first is the story of how the MBTA came to a screeching halt, arriving at this entirely preventable point, where deep service cuts and wholesale shutdowns of subway lines are deemed necessary to get the T back on track. I believe we need to understand the missteps and negligence that brought us to this moment of crisis, so that we never find ourselves back here again.

The second story pertains to how we move forward, how we build a brighter future for the MBTA. Greater Boston needs a public transit system that is truly a public good and effectively serves the needs of the people of the Commonwealth. While this current crisis never should have occurred, it has presented the chance for a conversation about how we build a transit system that is safe, sustainable, accessible, reliable, and free. With the proper care and decision-making, we can turn the T from a punchline into a model for our shared transit future.

I'm hopeful we can get there, but I want to make it clear: I am angry.

It is shameful that the first public transportation system in our country has been put last, and has lost the faith of the people of Massachusetts. In the last year alone, we've witnessed several crashes, derailments, and escalator malfunctions, seen passengers jumping from windows of flaming Orange Line trains, and experienced the unconscionable death of a passenger on the Red Line.

As Senator Warren just explained, the Federal Transit Administration's report on the MBTA is damning, painting a picture of an organization that is woefully understaffed, lacking in basic communication and training protocols, and more focused on

delivering capital projects on time than on fundamental operations and maintenance. All of this has stretched the T to a breaking point where safety and reliability are far from guaranteed.

The problems at the T did not happen overnight but have festered for decades. Like mold creeping between the baseboards of a home, poor management and disinvestment have eaten away at the foundation of our vaunted public transit system. Where the T once stood as a national model for reliable public transportation, today it serves as a warning sign for what happens when officials take their eye off the ball.

And too often, when problems arose, officials hid the ball altogether, leaving the public in the dark about the true state of the T.

Unfortunately, amidst this crisis, the T's playbook hasn't changed. During the recent Orange Line shutdown, the MBTA promised that the track work would allow the trains to run faster. Now, we are seeing that this hasn't been true.

More transparent communication also means acknowledging that far too often, the burden of the T's failures has fallen on riders, especially the Black, brown, disabled, and lower-income individuals who disproportionately use the T.

I was a commuter student, who was able to attend college by living at home in Malden and taking the Orange Line and the bus out to Boston College. I know how public transit opens doors of opportunity to people who may not have the privilege to own and drive a car or live close to their school or workplace. It is people without resources and time to spare who are experiencing the worst impacts of the T's crisis. That is inexcusable.

As we collectively rebuild and modernize this essential public utility, riders cannot be asked to shoulder the burden. Digging out of this hole will need the concerted effort of everyone from MBTA officials to community leaders to Federal, State, and local policymakers. It will require the MBTA to improve its safety and communication practices, and the Department of Public Utilities to conduct robust, independent, and transparent safety oversight of the MBTA.

In Congress, Senator Warren and I will keep fighting for bold Federal investments in public transit, on top of the \$580 million in Federal funding that has gone to the MBTA this year. As Massachusetts' Senators, we have a vested interest in ensuring those Federal dollars are spent well.

A better T is possible, especially in a State as abundant in resources and brainpower as Massachusetts. In order for us to fight for a better future, we have to know what it will look like.

So today, we will spend some time identifying and illustrating a picture of the future with public transit as a public good.

We know that when you lower the barriers to entry and make public transit accessible and reliable—when you make it free—people will use it. Increased ridership gets cars off roads, which reduces traffic and carbon emissions that pollute our air and warm our planet. Expanding service also creates good-paying jobs—jobs for union workers who will revitalize our aging transit infrastructure and operate the buses, trains, and ferries that will connect communities, stimulate the regional economy, and get our residents where they need to go. So as we interrogate and investigate the T today, we can also imagine that brighter future, a world where the T puts “public” back in “public transit.”

But you can't chart a new path without knowing where you are now—and as any rider of the T could tell you, the MBTA has a long way to go.

Greater Boston's identity is inseparable from the T. It is the lifeblood of the metro region, and for too long it has not been treated with the care it deserves. Let this hearing today be an honest and unsparing account of the T's neglect, as well as a first step toward making the T a vibrant, prosperous transit system worthy of our Commonwealth and its people. Thank you.

PREPARED STATEMENT OF NURIA FERNANDEZ

ADMINISTRATOR, FEDERAL TRANSIT ADMINISTRATION

OCTOBER 14, 2022

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 ensur-

ing 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.

PREPARED STATEMENT OF MICHELLE WU

MAYOR, CITY OF BOSTON

OCTOBER 14, 2022

Thank you Sen. Warren and Sen. Markey for convening this hearing, and for your leadership.

When Boston began building the first subway system in the country in 1895, the idea was labeled dangerous and radical.

Business owners organized an "Anti-Subway League," warning that construction would disturb snakes and rats underground, forcing them to the surface spreading fear and disease. The League's president, W.G. Harris, spoke of the "great disadvantage and damage to business" that would result from tearing up the street.

Thankfully, decisionmakers looked to the future, investing in our Nation's very first subway tunnel running from Park Street to Boylston.

It took tremendous innovation—electrifying trolley cars to run underground without suffocating coal smoke—and it reshaped what growth looked like in our city, and our country, as more people were able to escape traffic above-ground, and reach their destinations en masse.

Today we must continue investing in our future to make Boston a city for everyone—green and growing, where families can thrive.

We are so grateful for your partnership—and that of the Biden administration—in deploying necessary resources for our collective recovery. We've allocated our ARPA funds, and are looking to stretch every dollar from the Bipartisan Infrastructure Law and Inflation Reduction Act to reinvigorate our city.

But none of that matters if residents can't rely on public transportation to get where they need to go. We're here today because all that investment—in housing, schools, economic development, and healthy communities—is constrained by the state of public transit in Massachusetts.

As someone who's been taking the T for decades—as a college student, a young professional, and a mom pushing a big double stroller through MBTA elevators, buses, and trains to get to child care—this discussion isn't a theoretical one for me.

On Wednesday I took the Orange Line to work, grateful that it was back in service, and excited to board a shiny new train at Forest Hills. The ride went smoothly, but there were still 12 minute headways at peak rush hour.

After an unprecedented 30-day shutdown of our busiest subway line, we all still hold our breath and cross our fingers when we step into stations and look up to see when the next train will arrive.

In recent weeks, the T has acted with more urgency than we've seen in years, but my experience as a commuter—like so many others—is still emblematic of the broader, systemic problem:

For too long, our approach has focused on fiscal management at the expense of long-term vision.

The result is a system constantly on the verge of collapse—one that directs all our energy toward meeting basic safety requirements rather than growing and expanding public transit as critical infrastructure.

If we want Boston to be a thriving, competitive, global city, we can't continue to sabotage ourselves by taking a piecemeal, reactive, bare-minimum approach.

The people of Massachusetts deserve safe, reliable, accessible public transit. But that needs to be our starting point, not our finish line.

Our transit system today isn't equipped to meet the needs of our growing region. Restaurants and small businesses are desperate for foot traffic after years of economic hardship. Large employers struggling to get workers back in person are facing staffing shortages across every industry because people can't afford to live close enough to walk to work, and don't want to deal with a stressful, unreliable commute.

As a hub for health care and life sciences, innovation and education—our possibilities are endless, if we could just connect “all” our communities to the opportunities here.

Doing so will require a strategic vision for the T:

- One that secures long-term, sustainable funding,
- Establishes a workforce development strategy,
- Expands access and affordability,
- And ensures that the communities most affected by the system are the ones most empowered to shape it.

That means an MBTA Board seat for Boston, fare equity and electrification for our commuter rail system, fare-free buses, and accelerated progress on the red-blue connector and West Station.

Thank you, and I look forward to a productive conversation about turning the T into a source of pride and connection for all our residents.

PREPARED STATEMENT OF JARRED JOHNSON

EXECUTIVE DIRECTOR, TRANSITMATTERS

OCTOBER 14, 2022

The MBTA is a key part of the success of Greater Boston. One only has to look at the cranes adding millions of square feet of housing, office, commercial, and lab space right next to MBTA stations. A report by “A Better City” found that through travel time and cost savings, savings from avoided vehicular crashes and injuries, and reduced carbon emissions, the MBTA provides an estimated value of \$13.2 billion to Greater Boston each year.¹ This value benefits both transit riders and non-riders alike. That value is also more than six times the T's annual operating budget of approximately \$2 billion.

The T is also hugely important on a human level and is essential for social mobility, equity, and cohesion. According to AAA Northeast, the average cost of car ownership in the Commonwealth is \$10,728 a year.² The ability to live without a car or share one is a significant savings, especially for low and moderate-income households. A Harvard University study on “Equality of Opportunity” found that “the relationship between transportation and social mobility is stronger than that between mobility and several other factors, like crime, elementary school test scores or the percentage of two-parent families in a community”.³

Yet this value is being diminished by unprecedented reductions in service delivery and quality, the abysmal state of good repair and safety concerns, and lackluster leadership that has substituted austerity for vision, and is now suffering the consequences of that failed approach to transit operations.

The Baker Administration has bragged about more than \$7 billion in capital spending,^{4,5} and yet few would say that the reliability or service quality of the T has gotten better in the past 8 years. The agency's capital spending quite literally came at the expense of the operating budget. As recently as this spring \$500 million was unwisely transferred from the operating to the capital budget,⁶ only months before the FTA cited unsafe staffing levels at the T's control center and inadequate staffing in the maintenance department.⁷

¹“The Transportation Dividend”, A Better City, 2019 (benefit adjusted for inflation).

²“Annual Cost of New Car Ownership Exceeds \$10,000 in Massachusetts”, *Berkshire Eagle*, 2022.

³“Transportation Emerges as Crucial To Escaping Poverty”, Mikayla Bouchard, *The New York Times*, 2015.

⁴MBTA Crisis—Part II, Massachusetts Taxpayers Foundation, 2020.

⁵MBTA finance cast a long, red shadow for incoming leaders, Massachusetts Taxpayers Foundation, 2021.

⁶T board blesses \$500m transfer for capital programs, Bruce Mohl, *Commonwealth*, 2022.

⁷“Here Are the 24 Findings the FTA . . .”, Sahar Fatima and Taylor Dolven, *The Boston Globe*, 2022.

Deliberate decisions made by T leadership have led to outcomes that are causing daily harm to our economy, to our air quality, and to social equity. As a direct consequence of an understaffed Operations Control Center, the T was directed by the FTA to take corrective action.⁸ That action has slowed down subway service in ways that cause real harm to our most vulnerable transit riders. Residents of neighborhoods like Mattapan, with some of the highest travel times in the region, often spend an extra 15–20 minutes added to their daily commute. Residents along the Orange Line are dealing with increased headways as well as slow zones nearly a month after the T promised their service would improve.⁹

The Metro Boston region cannot tolerate more disruptive shutdowns. The MBTA needs a larger, more stable operating budget to perform more regular maintenance. It needs to learn from peers who are able to perform more trackwork during longer overnight periods, without complete disruptive shutdowns. It needs to treat hiring more bus operators and subway dispatchers like an emergency because it is one. The agency must regain the trust of riders and stakeholders by being honest and transparent. The double-speak around the Orange Line slow zones and the political interference during the Blue Line shutdown¹⁰ have severely damaged trust. Finally, the agency has to move beyond the “good enough mindset” and understand that it has an obligation to provide high-quality service, even when it must perform extensive maintenance.

T riders deserve more than what the T’s acting COO, called “a more manageable and palatable level of interruption”.¹¹ Riders deserve service frequent and reliable enough to avoid lost wages, and most importantly, they deserve to know that their public transit system is safe. Riders deserve to know when they will have a fully functional, slow zone-free transit system and the steps that it will take to achieve this goal. MBTA employees deserve leadership that works tirelessly to improve their quality of life and works collaboratively with labor to address worker shortages. Businesses deserve a transit system that enables customers and employees to reach them conveniently, reliably, and sustainably. And the region deserves a transit agency that provides high-quality service for today and one that has a vision for how to grow and modernize to meet tomorrow’s needs as well.

The T needs leadership that can address the T’s long-standing needs and expands access to drive mode shift and shorten travel times for environmental justice communities. Our climate, our economy, and our fight for transit and economic justice can’t wait.

PREPARED STATEMENT OF MATTHEW NELSON
CHAIR, MASSACHUSETTS DEPARTMENT OF PUBLIC UTILITIES

OCTOBER 14, 2022

Good morning, Chair Warren and Senator Markey. Thank you for the opportunity to testify regarding the Department of Public Utilities’ (“Department” or “DPU”) oversight of safety management practices at the Massachusetts Bay Transportation Authority (MBTA).

The Department of Public Utilities is responsible for oversight of investor-owned electric power, natural gas, and water utilities in the Commonwealth, and the agency is also charged with developing alternatives to traditional regulation, monitoring service quality, regulating safety in the transportation, steam distribution and gas pipeline areas, and the siting of energy facilities. The DPU is comprised of numerous Divisions, such as the Consumer Division, Pipeline Safety Division, Electric Power Division, Transportation Network Companies Division, Gas Division, and Transportation Oversight Division.

The Transportation Oversight Division serves both consumer protection and public safety functions. It primarily regulates safety practices of common carriers used to transport passengers and property including trucks, railways, buses, household moving companies, and towing companies. The Division also licenses Massachusetts-based intrastate motor bus companies and investigates consumer complaints regarding a driving violation or an accident involving a Department-licensed common carrier.

⁸“Under Pressure From Regulators on Staffing . . .”, Laura Crimaldi, *The Boston Globe*, 2022.

⁹“The Shutdown Was Supposed To Make the Orange Line Faster . . .”, Taylor Dolven, *The Boston Globe*, 2022.

¹⁰“Three T Derailments in Three Days . . .”, Taylor Dolven, *The Boston Globe*, 2022.

¹¹“The Shutdown Was Supposed To Make the Orange Line Faster . . .”, Taylor Dolven, *The Boston Globe*, 2022.

Additionally, and most pertinent to the subject of today's hearing, within the Transportation Oversight Division, the Rail Transit Division serves as the Commonwealth of Massachusetts' State Safety Oversight Agency (SSOA) for the rail fixed guideway public transportation system. The only such system in Massachusetts is the MBTA. Federal regulations (49 CFR §674) outline a SSOA's responsibility for overseeing the safety of the system and assessing the effectiveness of the Public Transportation Agency Safety Plan (ASP) in ensuring safety.

The chief activities of the Rail Transit Division can be divided into three general areas: (1) accident investigations; (2) ongoing monitoring of safety practices; and (3) monitoring of large capital delivery projects. Our Rail Transit Division has staff on-call 24 hours per day, seven days per week to respond to accidents and incidents. While on scene, staff take notes, photos, and meet with MBTA personnel to get an initial sense of what has happened. Division staff observe the MBTA's investigation of an incident from beginning to end for the purpose of ensuring that the MBTA's investigation into the cause and circumstances of the incident are "sufficient and thorough."

In addition to responding to incidents, the Rail Transit staff observes the MBTA's day-to-day safety practices and compliance with its own Agency Safety Plan. Last year, the Rail Transit staff conducted 472 oversight activities, including: (1) document reviews, rules reviews, and record reviews; (2) field observations conducted on-site at MBTA properties to observe implementation of processes and procedures referred to in the Agency Safety Plan, including site visits to yards, car houses, and stations; (3) interviews with MBTA employees after the DPU has made a field observation; and (4) inspections, meaning that DPU observes an MBTA official conducting a safety activity or inspection and then the DPU evaluates MBTA's compliance with procedure and standards.

The Department also oversees the certification of large capital delivery projects, like Green Line Extension (GLX) and Green Line Train Protection System (GLTPS). The MBTA has its own Safety Certification process for capital projects, and the DPU must observe and verify that the MBTA follows its own Safety Certification process of new construction.

In carrying out these functions, the Division operates under a set of generally applicable principles. The MBTA is responsible for the development of safety procedures and protocols for its rail system. The DPU is responsible for safety oversight to ensure fulfillment of the MBTA's safety functions.

The DPU takes its responsibility to ensure the safety of riders of the MBTA's transit system very seriously, and we have been working closely with the FTA and the MBTA to implement the FTA's recommendations as outlined in the final Safety Management Inspection report issued on August 31, 2022. DPU agrees that the actions directed by the FTA are necessary for enhancing public transportation system safety, and the DPU is working diligently to implement those actions. DPU has already expanded its field work, including by conducting more in-person observations, and is working to increase its resources to be able to conduct even more field work and additional auditing of the MBTA. The DPU is also working to hire additional staff with transit safety experience in our Rail Transit Division, and we are actively recruiting and continually posting jobs.

The Department is dedicated to our efforts in these areas, and we look forward to ongoing work with the FTA and the MBTA to ensure riders receive a safe and reliable transportation system. Thank you for the opportunity to testify. I look forward to answering your questions.

PREPARED STATEMENT OF STEVE POFTAK

GENERAL MANAGER, MASSACHUSETTS BAY TRANSPORTATION AUTHORITY

OCTOBER 14, 2022

Good morning, Chair Warren, Senator Markey, and Members of the Committee. Thank you for allowing me the opportunity to address the Senate Committee on Banking, Housing, and Urban Affairs' Subcommittee on Economic Policy today.

As the oldest transit system in the country, the MBTA is a system of incredible complexity. Every day, the hard working, dedicated employees of the MBTA provide safe and constant service to more than 600,000 customers by utilizing 12 ferries, 100 locomotives, 300+ commuter rail coaches, 600 subway cars, 800 RIDE vehicles, and more than a thousand buses.

Over the past several months, the MBTA has faced a series of incidents that have raised concerns about the safety of the system. I want to state unequivocally today to the Committee and to our customers that the system is safe—but we can and

will do better. I am committed, just as I know all of the employees of the T are committed, to continuing to make the T a safer, and more reliable transportation system. I look forward to sharing with this committee the significant progress we have made and will continue to make towards that goal.

I am a regular MBTA rider, and my family regularly takes the T. The City of Boston doesn't run a fleet of school buses for Grades 7–12. Instead, the T provides the transportation to 25,000 school kids, including mine.

We take this role in our riders' lives seriously. We get people where they need to go, to grocery stores and medical appointments and school classes and jobs. We do it through blizzards, during parades, on holidays. And we did it throughout a pandemic that forced us to continually pivot on a sometimes day-to-day basis, rethinking our transit services as our ridership plummeted—all the while, with the goal of not only providing safe and reliable trips for our riders but also protecting the health of our riders and employees.

As riders continue to return to the system now, I understand the frustration many of them feel. On behalf of the more than 6,400 hardworking men and women of the MBTA, we acknowledge that safety incidents have occurred and that our service levels aren't where we want them to be due to staffing challenges that have forced us to make hard decisions that represent prioritizing safety above all else. These challenges are impacting major transit agencies across the country.

Some of those incidents have had tragic results, and I again extend deep condolences to the affected families on behalf of myself and all of the employees at the T.

Safety has been and continues to be our top priority. In 2019, the Fiscal and Management Control Board, on its own, commissioned a Report, with the full support of MBTA management, by an independent Safety Review Panel. All MBTA employees from all departments were fully engaged and candid throughout the process. The MBTA embraced the opportunity to review our safety processes and then make all necessary changes in our safety procedures.

One of the Report's findings, for example, was that the MBTA's Safety Management System (SMS) was lacking. The T had experienced a number of operational incidents that the Safety Review Panel directly attributed to ineffective SMS practices.

SMS is defined as a formalized, top-down, organizationwide, data-driven approach to managing safety. Every day, in every part of the MBTA, and even after the Report's release as the pandemic's first wave began in 2020, we continue to steadily implement SMS and best practices, setting safety performance targets as well as tracking and communicating them in order to make agency-wide decisions.

Much like we embraced the process of the Safety Review Panel in 2019, we have fully supported and collaborated with the Federal Transit Administration (FTA) during their Safety Management Inspection process, which has focused on the heavy rail portion of the MBTA system. For the past several months, most of our MBTA departments and individual T staff members have conducted comprehensive, productive briefings with the FTA on just about a daily basis. We have welcomed this opportunity to go into great detail with the FTA about the safety initiatives we've accomplished, those that are currently underway, and the areas that need improvement.

At the front end of the process, the FTA identified some areas that required early priority attention. Four early special directives were issued, June 15, with defined timelines for corrective action plans (CAPs). We immediately began to make both long-term, lasting plans; and implement immediate corrective actions wherever possible.

For example, with respect to the hours that our operations staff were working, within days of receipt of the early special directives, we instituted a fatigue management plan to increase our operations staff rest intervals. This meant an immediate reduction in service levels but was necessary to prioritize the safety of our riders and our employees. We also, almost as instantly, augmented our hiring activities for the Operations Control Center (the OCC) so that we could ultimately return our service levels to meet the needs of our riders' expectations.

For the OCC, we authorized a \$10,000 sign-on bonus and launched an immediate internal hiring blitz to attract more heavy rail dispatchers. This is a critical-skills position with the unique and imperative requirement that applicants already work within subway operations so that their service as a dispatcher can benefit from their working knowledge of the system.

For the early FTA special directive 22-4, we have addressed the areas specific to the speed restriction for the Tufts to Back Bay curve. The worn rail was replaced ahead of schedule, as were approximately 400 Cologne Egg fasteners. As a result, speeds were increased from 10 mph to 18 mph. Some of this work was conducted

during the Orange Line Surge which was a topic of our Special Maintenance Repair Plan (SMRP) submitted as part of our Corrective Action Plan for SD 22-4. We are in active discussions with the FTA to further improve system speed but this requires some additional plans for fasteners, which the FTA wants to review first. This effort is a solid example of the collaboration and rigorous ongoing engagement between the MBTA and the FTA.

On August 3, we announced a 30-day suspension in Orange Line service along the entire line beginning August 19 and resuming September 19. We shut down the line to make major, expansive, and comprehensive progress on a number of priorities identified in directives from the FTA and to accelerate additional critical track upgrades and other improvements.

It had become clear to us (and to the FTA) that traditional intermittent service shutdowns were not offering us the essential amount of time needed to perform the improvements required. The only way to deliver the positive rider experience in a timely way was to immediately invest a meaningful amount of time for repairs and upgrades. Thus, we embarked on the extraordinary effort to allow 100 percent unencumbered access to the system for 30 continuous days to accomplish the important work needed and reopen a line that our riders deserve. While the Orange Line shutdown was the largest closure of a line the MBTA has undertaken, we have had success with other targeted large-scale closures over the past several years across the system.

During this unprecedented service diversion, we successfully made sweeping improvements to the system and delivered a service to our riders on schedule. Thirty days of 24-hour access to the Orange Line's more-than-121,000 feet of track, its 20 stations, and the entirety of its rights of way allowed us to accomplish a profound amount of highly complex work that would have otherwise taken more than 5 years of weekend and nighttime diversions, all leading to less delays and unplanned service interruptions; and faster, more reliable, safer trips for our riders.

- We replaced track and ties across the entire Orange Line that brought us into a state of good repair.
- We replaced track in slow zones and have lifted speed restrictions across the Orange Line—specifically Jackson Square, Back Bay, and Tufts.
- We upgraded signals at Oak Grove and Malden and replaced two major cross-over track areas that facilitate train movements.
- We upgraded track and rail within the Wellington Yard and Maintenance Facility to provide a safer and more accessible environment for workers, and to improve service reliability for riders.
- We are now running all new Orange Line cars and have begun the scrapping process for the decades-old cars.

The August SMI highlighted the concern over the workforce levels at the MBTA, and we agree this is an area where we absolutely need to do better. We are not alone in our staffing concerns. Our peer transit agencies around the country are also struggling to staff up their ranks with proficient, fully trained, fully certified employees. A February 2022 Survey conducted by the American Public Transportation Association (where 117 Transit Agencies responded) revealed that 92 percent of our public transit agencies are experiencing difficulties hiring employees (particularly bus operators), 71 percent of public transit agencies have either cut service or delayed service increases due to worker shortage issues, 66 percent of agencies are having difficulty retaining employees, and 20–50 percent of agencies have implemented actions such as increasing starting pay, including sign-on bonuses, introducing referral bonuses and implementing retention bonuses to attract and retain employees. APTA, just this week provided a survey update that noted the workforce shortage continues to impact 96 percent of public transit agencies (60 percent response rate). The MBTA not only shares the same challenges as noted by APTA but also has implemented similar actions along with many others.

We fully accept the FTA's Safety Management Inspection, and we are continuing to work with the FTA. We are committed to fully funding all actions to remedy any and all safety issues the FTA identifies.

We continue to refine the FTA CAP cost estimates for the four early special directives, made up of 22 corrective action plans, provided to the MBTA June 15. We cannot predict the full funding needs for these directives at this time since we are still in the process of responding and working through unknown considerations to respond to the FTA in the short and medium term but anticipate the need for approximately \$300 million in costs. The costs are a mix of funded and unfunded items, and current estimates are preliminary, with likely more than \$200 million in costs that are not currently budgeted to address the four early special directives.

For the four directives from the August SMI report, cost estimates are currently being developed through a combination of one-time, recurring, and contingency costs between capital and operating initiatives spread over multiple years. Early estimates forecast a need for \$225–300M for Fiscal Years 2023 through 2028. Our estimates are limited by current information available and are being updated frequently (and contain many preliminary assumptions pertaining to headcount, headcount costs, funded and unfunded costs).

We are working with the Administration to identify funding sources to support these efforts. Governor Charlie Baker has filed a supplemental budget which includes \$200 million for the MBTA to provide additional resources towards addressing the FTA’s safety directives and ensuring a safe, reliable transit network for its riders. The supplemental budget also includes \$10 million for MassDOT, in collaboration with the MBTA, to develop a training academy to create a talent pipeline to address the staffing challenges at the MBTA. These funds will be used in FY23 to help cover costs arising out of the FTA Safety Management Inspection, to fund material and equipment purchases, increased staffing and recruiting, and will also support key safety-focused maintenance efforts.

At the MBTA, we recognize the important role we play in the daily lives of the communities we serve, and we know the transit services we provide are critical. The heart and core of what we do is providing reliable, safe transit service to riders who expect and deserve a modern, best-in-class system. Modernizing and upgrading the T, including aspects related to safety, can and does take time, but we’re continuing to make progress. Safety is our number one priority at the MBTA, and we fully support all opportunities to review our practices and make changes to become a safer service and organization, including in the areas identified by the 2019 Safety Review Panel Report as well as the current FTA Safety Management Inspection, focusing on our heavy rail. The SMI report summarized issues that will take many years to resolve. While the early directives were tactical in nature, the August directives were strategic and systemic. They will take years to resolve but the work is already well underway. As I said at the beginning of my testimony, I am committed to continuing to working as hard as I can to achieve these goals.

Thank you again for allowing me this opportunity to speak. I look forward to continuing to partner with the Legislature as we advance these initiatives at the T, and to sharing more about our progress in making the MBTA a safer place.

**RESPONSES TO WRITTEN QUESTIONS OF CHAIR WARREN
FROM MATTHEW NELSON**

Q.1. What changes has the DPU made to ensure proper oversight of the MBTA? Should these changes still in progress to reach optimal performance, what is the timeline to a full strength DPU?

A.1. The Department of Public Utilities (DPU) has taken action to enhance the DPU's oversight of the safety management practices of the Massachusetts Bay Transportation Authority (MBTA), both prior to and in response to the Federal Transit Administration's (FTA) 2022 Final Report on the Safety Management Inspection (SMI) of the MBTA and the DPU.

Throughout my tenure as Chair, the DPU has been working with the FTA to shift to a more proactive approach to safety oversight. Historically, the DPU's approach to safety oversight concentrated on accident investigation and determination of the root cause of an accident after it occurred. In recent years, the DPU Rail Transit Division is working toward a more proactive approach to identify hazards and risks before they occur, while also remaining vigilant to the function of root cause analysis. Similarly, the MBTA is implementing a more proactive approach to safety through the MBTA Safety Management System.

As part of the FTA's 2022 Report on the SMI of the MBTA and the DPU, the FTA issued Special Directives requiring the DPU and the MBTA to take certain actions to address the FTA's findings. The Special Directives required the DPU to, among other things, review and oversee the implementation of the MBTA's Corrective Action Plans (CAPs), which are step-by-step plans of actions developed to achieve the resolution of identified problems. The Special Directives also direct the DPU to submit CAPs to the FTA describing how the DPU will monitor the MBTA's CAPs, and to provide more robust oversight of the MBTA, including through the timely resolution of all MBTA CAPs.

In response to the 2022 Report on the SMI of the MBTA and the DPU, the DPU has worked with the FTA to identify MBTA-required actions and ensure that the MBTA's CAPs are sufficient and properly executed. The DPU has been conducting timely review of the MBTA's CAPs and submitting our review to the FTA. The DPU has also created Inspection and Verification Plans for each MBTA Corrective Action and sent copies to the FTA. In addition, the DPU has submitted to the FTA a CAP that responds to the issues that FTA directed DPU to address.

The DPU has also increased the number of full-time employees that work on rail safety oversight beyond previous levels, and we are working to hire additional staff. DPU targets 18 full time employees dedicated to rail safety oversight. In addition to a Director of Transportation and a Program Manager, the DPU currently has six full time employees dedicated to rail safety. This number is higher than it has been in the past, prior to the FTA's 2019 triennial audit of the DPU.

More recently, following the FTA's 2022 triennial audit of the DPU, the DPU will conduct a workload assessment to determine the right complement of staff and resources required to ensure effective oversight of MBTA's Safety program. Already the DPU has created two new positions, a Director of Rail Oversight, and an As-

sistant Director. The DPU is also working to fill four vacant positions, including the positions of Public Utilities Engineer, Auditor, Compliance Officer, and Assistant General Counsel. Although identifying individuals with rail safety expertise is challenging, the DPU is actively reaching out to rail safety programs across the country, attending job fairs, listing postings with State universities and other forums, and working internally and with other government entities to enhance visibility of our postings. We have seen recent progress in our hiring efforts, and are currently fielding applicants, conducting interviews, and making offers. The DPU is also continuing efforts to engage a consulting firm to bring additional field staff on board to augment DPU Rail Transit staffing.

The DPU is working to expand its resources to conduct more field work and auditing of the MBTA to provide further oversight and verify that the MBTA is carrying out the FTA's directives. The DPU's increased field and auditing work includes weekly unannounced visits to the MBTA Operations Control Center to ensure that MBTA employees are not working excessive hours, that there is appropriate coverage, and to verify sufficient internal documentation and tracking materials. This work also includes weekly visits to yards and car houses to verify safe working conditions, the implementation of new yard procedures, and ensuring that the MBTA conducts a pretrip "circle check" on each vehicle before they go into service. The Rail Transit staff also conducted extensive monitoring of the Orange Line "surge" through conducting field visits, attending multiple meetings, and attending on site Safety Briefings.

The DPU is internally reviewing our policies and procedures, including updating staff's technical training plans and automating the DPU's process for verification of MBTA completed actions. The DPU is working closely with the FTA to develop additional notification and action procedures in order to ensure that any safety issue that the DPU flags is implemented in a timely manner and that the MBTA makes thorough changes to avoid ongoing safety concerns. We are reviewing and updating processes and thresholds for using existing enforcement authority to ensure timely resolution of MBTA required actions and will not hesitate to take enforcement actions if there are areas of noncompliance.

The safe delivery of services utilizing the public way is a core function of the DPU. Consumer protection is also at the core of the DPU's mission. To fulfill its core mission, DPU employs subject matter experts in safety, as well as subject matter experts in other disciplines, including engineering, economics, and regulatory compliance. The DPU consistently utilizes an interdisciplinary team to ensure the safety of the public, including MBTA riders.

RESPONSES TO WRITTEN QUESTIONS OF CHAIR WARREN FROM STEVE POFTAK

Q.1. I'd like to ask about the workforce at MBTA. We know that some of these issues can be solved by increasing the number of employees and ensuring everyone is getting necessary rest and training. During the hearing it was mentioned that the MBTA is 1,500 to 2,000 employees short.

What sector of employee is needed for the MBTA? Is it train operators, safety professionals, Department of Public Utilities inspectors, or station managers?

A.1. New employees are needed to fill vacancies and newly identified roles across all major MBTA departments and functions, including operations, maintenance, safety, training, and support areas. The specific extent of these needs will be articulated as part of the staffing assessment performed in response to the FTA Safety Management Inspection. Note that Department of Public Utilities inspectors are not employed by the MBTA, and MBTA's operational needs are not directly constrained by Department of Public Utilities staffing levels.

Q.2. Is there any concern about the lack of pay and benefits for our MBTA staff? How does the pay and benefits compare to other stations?

A.2. The Workforce Assessment and Hiring Plan that we are completing as part of our SMI response will include a review of the MBTA's compensation and benefits compared to our peer agencies or other industries where our candidates may be looking.

Q.3. Beyond the MBTA, the MA DPU is the oversight body responsible for handling accidents along transportation.

A.3. DPU is responsible for oversight of MBTA's compliance with external safety regulations and internal safety program requirements, extending to accident investigation as well as all other aspects of safety policy, safety risk management, safety assurance, and safety promotion.

Q.4. I want to address riders concern about safety on the T. I want to ensure that my constituents feel safe and confident about taking the T throughout their day.

What other, if any, delays are expected for the T in the upcoming year? Will there be another shutdown of a line or a portion of a line?

A.4. The MBTA's maintenance and capital plans require significant ROW access to modernize the system and keep it in a state of good repair. Since the Orange Line surge, the MBTA has on occasion closed subway lines for one weekend at a time, or closed 2–3 hours early on weeknights, to carry out state-of-good repair operations. This practice will continue. The MBTA does not have plans to shut down entire subway lines at this time.

Q.5. Following up on Senator Markey's question of future work, what other track maintenance is needed for the T to ensure a safe and enjoyable ride?

If none, what are the next wave of improvements on deck for the T?

A.5. MBTA puts speed restrictions in place to ensure the safety of the traveling public and its employees when any wear or defects are identified in the track infrastructure.

Q.6. If there are more maintenance and changes necessary, how much time will be given to the community and government officials to adjust and change their schedule? I am worried that my constituents are surprised and shocked when changes and shutdowns

occur, especially in situations where the T is the only way to get to work/school.

A.6. We understand the important role that the MBTA plays in moving people throughout the region. These types of disruptions are immensely inconvenient but necessary to bring the MBTA's system into a state of good repair. Going forward the MBTA will make every attempt to provide the riding public with as much time as possible to plan for future disruptions.

Q.7. During the hearing, there was much discussion from Mr. Johnson and Mayor Wu about "fare equity on the commuter rail system" and expanding "fare free bus pilot" and how these provisions would ease congestion throughout the MBTA and decrease traffic levels throughout our city. What are the plans to implement these programs to promote equity throughout the system?

A.7. On March 24, 2022, the MBTA Board approved changes that will expand our products for reduced fare riders and simplify tariff rules. Changes include:

- Permanent 5-Day FlexPasses on Commuter Rail.
- Lower pricing for 1-Day LinkPasses.
- A new 7-Day LinkPass for reduced fare riders.
- Expanding Reduced Fare Monthly Passes to all modes.
- Second transfers on bus and subway and transfers between Express Buses.

These changes went into effect by July 1, 2022.

Q.8. The MBTA is taking steps to improve its hiring process for bus drivers and dispatchers, including by establishing signing and referral bonuses, partnering with the Registry of Motor Vehicles (RMV) to speed up review of applicants' driving records, investing \$20 million in its hiring team and covering all fees associated with earning a Class B CDL license.

In addition to these steps, how is the MBTA planning on funding more competitive salaries to attract and retain talent among bus drivers?

What additional flexibilities could the MBTA offer to bus drivers and dispatchers to attract and retain talent?

A.8. Additional options for attracting and retaining talent are being explored for a variety of MBTA roles, including bus operators and dispatchers, as a part of the ongoing response to the FTA Safety Management Inspection.

Q.9. The MBTA is competing with private entities seeking applicants with CDLs, which include other bus companies, Amazon, and UPS.

What do private entities offer to prospective hires that the MBTA currently is not offering to applicants?

A.9. There are several significant differences that distinguish MBTA positions requiring a CDL from other bus companies and private companies including Amazon and UPS. MBTA's riders depend on the availability of peak service levels in the morning and evening to support commuting; unlike private distribution services, which make deliveries on fixed and continuous shifts, this need re-

quires MBTA to make use of split shifts to ensure adequate coverage. Private trucking CDL operators carry freight and are not required to perform customer service duties, an essential part of MBTA's service delivery performed by its operators which requires additional training and skill in comparison to other roles requiring a CDL. These essential aspects of MBTA's service may make operational roles less attractive to certain individuals but are fundamental constraints on MBTA's ability to offer similar working conditions to other public or private sector roles requiring a CDL.

Q.10. How can the MBTA close those gaps to effectively compete with the private sector, aside from hiring bonuses and good pay?

A.10. As part of its SMI response to the FTA, the workforce assessment that the MBTA is currently undergoing will include an analysis of workforce flexibility and other incentives for prospective candidates.

Q.11. If approved, how would the MBTA effectively use the \$10 million proposed by the governor to create a dedicated training academy? How would the MBTA redirect talent from existing vocation programs and trade schools?

A.11. MBTA departments including Vehicle Maintenance have already begun exploring process changes to training programs to build and sustain a talent pipeline between vocational programs/trade schools and the MBTA. Solutions include development of new job classifications designed to allow vocational school or community college graduates to apply, completing programs of classroom instruction and shop floor guided training before being granted the opportunity to pass entrance and licensing exams, and interviews for full-time, independent positions.

Q.12. FTA has stated that the decision to shut down the orange line came entirely from the T. Is that correct?

What was the basic reasoning behind the shutdown then?

A.12. Yes, it is correct that the T made the decision to shut down the Orange Line for 30 days to perform construction activities and accelerate maintenance work; allow for adjacent construction projects to progress with the advantage of not restoring train service each day; and to give the MBTA the ability to manage the critical Heavy Rail Dispatcher staffing shortage.

The reasoning for the 30-day shutdown of the Orange Line was to offer improved work efficiency to perform several crucial initiatives that would improve the safety and reliability of Orange Line service. There were several factors that informed the MBTA's decision, including the urgency of needed work, breadth of work across the entire length of the Orange Line, and combined efficiency gained by performing the work simultaneously.

The MBTA had a preexisting planned 30-day shutdown for the month of August to conduct construction investment into the North Wellington Yard interlocking and signal system upgrades from Wellington to Oak Grove. This work required a service diversion from Oak Grove to Wellington stations.

The MBTA had recently experienced two emergency closures of the Orange and Green lines in the Haymarket area. These emergency closures were due to a major construction accident involving

the partial collapse, and ensuing structural condition of the Government Center Garage. While the Government Center garage is a privately owned structure undergoing private redevelopment, the building is positioned directly above the tunnels for the Orange and Green lines and the private redevelopment project required that no trains be running and no public traffic be in or around the station in order to conduct critical demolition work. This work required a service diversion from North Station to Back Bay (and simultaneously North Station to Lechmere/Union Square on the Green Line).

The MBTA had received Special Directive 22-4 from the FTA which required the MBTA to expedite planned repairs to the curved track segments in the Tufts Medical Center and Back Bay portions of the line. This work required service diversion from Tufts Medical Center to Ruggles. Note, with respect to the above, the work required service suspension from Oak Grove to Ruggles (15 of the 20 orange line stations).

Furthermore, the MBTA was managing a critical shortage of heavy rail control center dispatchers, that limited our ability to simultaneously dispatch train service and implement track access to construction and maintenance crews until additional staff could be hired. By suspending Orange Line service, the MBTA was able to shift staff resources to manage the Red and Blue heavy rail lines and the MBTA administrative departments were afforded the 30 days to accelerate dispatcher hiring and training, as well as to re-train staff who had previously performed Heavy Rail dispatch duties.

The MBTA's efforts to secure alternative bus service providers informed the MBTA that our only opportunity to secure the quantity of buses needed to transport the Orange Line ridership could be provided through the middle of September.

Q.13. Where did the timeline of 30 days come from?

A.13. The 30-day timeline needed to fit into the opportunity window between other major project diversions and needs, particularly ATC work on North Side commuter rail (an FRA mandate that couldn't be delayed).

Q.14. Where did the 5 years of work come from?

A.14. If all the work had occurred at night, it would have taken more than 5 years to perform the work.

Q.15. Given that the work is ongoing in years, how significant was the backlog?

A.15. The backlog for the work that was completed was 5-years' worth of overnight work. However, there is and will always be some work as maintenance is an ongoing process.

Q.16. If the backlog was 5 years or greater, would you it be fair to say that all riders have been receiving subpar and unsafe service for at least the last 5 years?

A.16. No. That would not be fair to say. Maintenance is a continuous cycle and does not equate to subpar or unsafe service. A 5-year backlog is the length of time that the work would take to complete if it is performed solely during overnight hours.

Q.17. Given that the work remains ongoing with speed restrictions in place, why did the MBTA open up the T after 30 days?

Would it have not made more sense to keep it closed down to finish the work?

Do you consider it a mistake to have reopened the Orange Line when you did, given that the service restrictions remain and the work is still ongoing?

A.17. No. The MBTA needed to be cognizant of bussing restrictions as well as the impact to other projects/diversions throughout the entire MBTA network. The planned work was completed and was safe to reopen. Additional work is preventative to ensure continued reliability and state of good repair.

Q.18. How can you say you are not certain when the work will be finished if you could make the decision to reopen the T? Said another way, how did you have enough information to decide that the Orange line should be open at that juncture and work should continue, but don't have enough information to determine when the work will be completed?

A.18. The scheduled work was completed, and the work was safety certified. It was safe to open and reduce impact on the riders and municipalities. Work performed outside of a full-shutdown scenario is restricted to overnight hours where productivity is vastly reduced, due to the time required to power down, power up, bring in necessary resources, store resources, etc.

Q.19. In the FTA report it states that the "MBTA reported that, due to the challenges and uncertainties of the COVID-19 public health emergency, they have not completed action to address previous findings regarding the need to assess staffing needs for operations and maintenance. Nevertheless, during this same period MBTA aggressively moved forward with its \$2 billion per-year capital program, supported largely by existing and overtime resources from the agency's operations and maintenance departments and contractors. In January 2022, MBTA's leadership team and Board of Directors took the unprecedented step of transferring an additional \$500 million from the MBTA's operating budget to its capital budget."

Can you explain the reasoning behind this?

A.19. Capital work modernizes the system and brings it into a state of good repair. The \$500M included almost entirely safety-related projects.

Q.20. In hindsight was this a mistake?

A.20. We are confident that this action was the best choice, given resource timing and the need to perform safety-critical projects.

Q.21. In the Boston Herald on 10/3/22 it stated that: "It's going to cost an extra \$1 billion to fund Orange and Red Line infrastructure improvements, MBTA officials said, beyond the \$1.6 billion already earmarked in its capital investment plan." In light of the previous quote from the FTA report about the transferring of funds and the aggressive capital spending, would you say again knowing the additional needs that it was a mistake?

Can you explain how this additional billion dollar figure came to be? What will the money go towards?

A.21. The capital investments programmed are to bring the Red and Orange Lines into states of good repair. Maintenance and repair work is always ongoing.

Q.22. How did you miss the billion dollars when projecting evaluations previously?

A.22. The \$1B was not missed. We have a known, significant capital backlog. The CIP and operating maintenance budgets are fiscally constrained and do not/have not met the full investment needs.

Q.23. In the Globe Article on the Orange Line from 10/7/22, it states that MBTA had replaced 400 cologne egg fasteners but still had around 200 more before you can reach a top speed of travel between Tufts Medical and Back Bay. Was there 50 percent more work required on this than had been predicted/assumed?

If yes, why did the T resume Orange Line operations before completing the additional work?

A.23. (Compound answer below.)

Q.24. Additionally, if yes, that seems like a significant underestimate. How did the MBTA miss that originally and why did it fail to share the extra work needed with its partners and the public?

A.24. (Compound answer below.)

Q.25. If no, why did the T resume Orange Line operations before completing the work it anticipated needing to do?

A.25. Yes, there was more work to replace the fasteners than originally anticipated. It is important to note that the key objective of the task was to replace the running rails due to worn rail conditions to increase the speed from the restricted 10 mph. The worn rails were replaced as intended and are supported on Cologne Egg fasteners. We replaced 386 fasteners. Then the speed restriction was raised to 18 mph. The quantity and level of effort required to remove and re-install new fasteners was discovered to be more complex due to the methodology of the original 1980's-era construction, necessitating significantly more extensive concrete slab work than originally anticipated. In order to mitigate accelerated degradation of the rails and new fasteners (due to the curvature of the tracks), the line speed will remain at 18 mph until an additional approximately 140 Cologne Egg replacements are completed.

The MBTA was able to resume service on the Orange Line safely and within the 30-day period that was announced.

Q.26. Can we acknowledge that ridership was down significantly from March 2020 and ridership remains below what it was at that point?

A.26. Yes, ridership decreased significantly during March of 2020, and it has not fully rebounded. However, some services have rebounded better than others.

Q.27. Was there ever any consideration of doing significant maintenance work at that point, as it would have disrupted the commutes of far few riders and perhaps produced safer rides from that point on?

A.27. (Compound answer below.)

Q.28. If yes and you did not undertake the work, why did you not?
 And do you consider that a mistake?
 If no, in hindsight was that a mistake?

A.28. Preparations to complete expanded maintenance work on the system began not long after trends in ridership through 2020 became evident. However, MBTA's response to the COVID-19 pandemic was and remains the most significant safety-related activity to protect riders and employees performed in March 2020 and the immediate months following. The pandemic had a profound effect on transit systems nationwide during this period: in one example, New York's MTA suffered at least 118 employee deaths between March and July of 2020 alone. MBTA's efforts to protect its staff and riders and avert the catastrophic effects of COVID-19 required a full mobilization of both management and frontline staff to evaluate, procure, distribute, and deploy Personal Protective Equipment, update policies, procedures, and health guidance for employees, roll out technical solutions to enable remote work for select roles, evaluate and manage impacts on service, and communicate key changes to riders and other stakeholders. The absence of an effective COVID-19 vaccine, social distancing requirements, travel bans imposed by Massachusetts and other States, supply chain impacts on PPE and other essential equipment, and other factors restricted the Authority's ability to act on changes in ridership patterns until later in the pandemic.

Q.29. Can you provide a full accounting of what the cost of the work to the Commonwealth?

How much did the shuttle bus contract cost?

What was the original estimate for this?

How much money overtime did the work require?

What was the original estimate for this?

How much did the additional communications, in all forms, outreach, ambassadors, fare changes, signage, etc. cost to explain the changes to the passengers' commute?

What was the original estimate for this?

How much tax revenue do you believe the Commonwealth businesses lost over this period?

A.29. We do not know. (For all parts of Question 29, please reference Attachment A.) [Not included in time for publication.]

Q.30. How much did ridership decline during this period?

A.30. We are able to estimate that the MBTA retained about 60 percent of typical Orange Line ridership during the surge. For the ridership that remained, about 15–20 percent of usual passengers switched to another MBTA mode (Commuter Rail or bus) and the other 40–45 percent utilized the shuttles. Please note that these are estimates and subject to revision as we get more data.

Q.31. Where were the biggest budgetary surprises?

What if any parts of the work ended up costing more?

A.31. (Compound answer below.)

Q.32. Where did the Commonwealth save money?

A.32. Contractors realize a 40 percent or more productivity increase with full access during a diversion compared to night work.

Q.33. What do you anticipate the total cost to the Commonwealth being to get the system to optimal safety and service as outlined by the FTA?

A.33. As of this moment we do not have a full estimate of what the total cost will be to the Commonwealth.

ADDITIONAL MATERIAL SUPPLIED FOR THE RECORD

Senator Markey's opening remarks as prepared:

Thank you, I'm glad to be here with you today. My deep thanks to my colleague, Senator Warren, for chairing this hearing and for convening us all today. I'm also grateful to Administrator Fernandez, Mayor Wu, and Jarred Johnson, for being generous with their time here today and for all that they do to push for transit justice, here in Boston and across the United States. Finally, my thanks to General Manager Poflak and Chairmen Nelson for their willingness to come before us.

There are two stories we must tell today.

The first is the story of how the MBTA came to a screeching halt, arriving at this entirely preventable point, where deep service cuts and wholesale shutdowns of subway lines are deemed necessary to get the T back on track. I believe we need to understand the missteps and negligence that brought us to this moment of crisis, so that we never find ourselves back here again.

The second story pertains to how we move forward, how we build a brighter future for the MBTA. Greater Boston needs a public transit system that is truly a public good and effectively serves the needs of the people of the Commonwealth. While this current crisis never should have occurred, it has presented the chance for a conversation about how we build a transit system that is safe, sustainable, accessible, reliable, and free. With the proper care and decision-making, we can turn the T from a punchline into a model for our shared transit future.

I'm hopeful we can get there, but I want to make it clear: I am angry.

It is shameful that the first public transportation system in our country has been put last, and has lost the faith of the people of Massachusetts. In the last year alone, we've witnessed several crashes, derailments, and escalator malfunctions, seen passengers jumping from windows of flaming Orange Line trains, and experienced the unconscionable death of a passenger on the Red Line.

As Sen. Warren just explained, the Federal Transit Administration's report on the MBTA is damning, painting a picture of an organization that is woefully understaffed, lacking in basic communication and training protocols, and more focused on delivering capital projects on time than on fundamental operations and maintenance. All of this has stretched the T to a breaking point where safety and reliability are far from guaranteed.

The problems at the T did not happen overnight but have festered for decades. Like mold creeping between the baseboards of a home, poor management and disinvestment have eaten away at the foundation of our vaunted public transit system. Where the T once stood as a national model for reliable public transportation, today it serves as a warning sign for what happens when officials take their eye off the ball.

And too often, when problems arose, officials hid the ball altogether, leaving the public in the dark about the true state of the T.

Unfortunately, amidst this crisis, the T's playbook hasn't changed. During the recent Orange Line shutdown, the MBTA promised that the track work would allow the trains to run faster. Now, we are seeing that this hasn't been true.

More transparent communication also means acknowledging that far too often, the burden of the T's failures has fallen on riders, especially the Black, brown, disabled, and lower-income individuals who disproportionately use the T.

I was a commuter student, who was able to attend college by living at home in Malden and taking the Orange Line and the bus out to Boston College. I know how public transit opens doors of opportunity to people who may not have the privilege to own and drive a car or live close to their school or workplace. It is people without resources and time to spare who are experiencing the worst impacts of the T's crisis. That is inexcusable.

As we collectively rebuild and modernize this essential public utility, riders cannot be asked to shoulder the burden. Digging out of this hole will need the concerted effort of everyone from MBTA officials to community leaders to federal, state, and local policymakers. It will require the MBTA to improve its safety and communication practices, and the Department of Public Utilities to conduct robust, independent, and transparent safety oversight of the MBTA.

In Congress, Senator Warren and I will keep fighting for bold federal investments in public transit, on top of the \$580 million in federal funding that has gone to the MBTA this year. As Massachusetts' Senators, we have a vested interest in ensuring those federal dollars are spent well.

A better T is possible, especially in a state as abundant in resources and brainpower as Massachusetts. In order for us to fight for a better future, we have to know what it will look like.

So today, we will spend some time identifying and illustrating a picture of the future with public transit as a public good.

We know that when you lower the barriers to entry and make public transit accessible and reliable – when you make it free – people will use it. Increased ridership gets cars off roads, which reduces traffic and carbon emissions that pollute our air and warm our planet. Expanding service also creates good-paying jobs – jobs for union workers who will revitalize our aging transit infrastructure and operate the buses, trains, and ferries that will connect communities, stimulate the regional economy, and get our residents where they need to go. So as we interrogate and investigate the T today, we can also imagine that brighter future, a world where the T puts “public” back in “public transit.”

But you can't chart a new path without knowing where you are now—and as any rider of the T could tell you, the MBTA has a long way to go.

Greater Boston's identity is inseparable from the T. It is the lifeblood of the metro region, and for too long it has not been treated with the care it deserves. Let this hearing today be an honest

and unsparing account of the T's neglect, as well as a first step toward making the T a vibrant, prosperous transit system worthy of our Commonwealth and its people. Thank you.