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# United States Senate

COMMITTEE ON BANKING, HOUSING, AND  
URBAN AFFAIRS

WASHINGTON, DC 20510-6075

LAURA SWANSON, STAFF DIRECTOR  
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October 5, 2022

Matthew Nelson  
Chair  
Massachusetts Department of Public Utilities  
1 South Station  
5<sup>th</sup> Floor  
Boston, MA 02110

Dear Mr. Nelson:

I invite you to appear before the Senate Committee on Banking, Housing, and Urban Affairs' Subcommittee on Economic Policy to testify at a hearing entitled "Economic Impacts of Inadequate Transit Maintenance and Oversight: Examining Management Failures at the Massachusetts Bay Transportation Authority and the Massachusetts Department of Public Utilities." As Chair of the Economic Policy Subcommittee, I will preside over the hearing.

The hearing is scheduled to take place on **Friday, October 14, 2022, at 11:00 a.m.** at:

**JFK Federal Building  
Room 900A  
15 New Sudbury Street  
Boston, MA 02203**

Public transportation is an essential service that directly influences economic growth and access to employment in Boston and other major U.S. cities, key issues for the Subcommittee on Economic Policy. This hearing will examine the T's failures to keep passengers safe and provide reliable service, and the urgent need to increase transparency and accountability at the T and the Department of Public Utilities (DPU). Additionally, the hearing will emphasize the benefits of electrification as a long-term solution to improve reliability and safety of public transit, promote economic development and social justice, and mitigate the impacts of climate change.

I believe that your role as Chair of the DPU will provide important insight into these failures at the Massachusetts Bay Transportation Authority (MBTA). In 2021 and 2022, the MBTA experienced several serious rail incidents. These include:

- A collision on the Green Line that injured 27 people (July 30, 2021);
- A derailment on the Red Line that hit the platform with 47 passengers on board (September 24, 2021);
- A derailment on the Red Line at Broadway Station that resulted in property damage (September 28, 2021);

- An out-of-service train that rolled in a rail yard, injuring three workers (December 17, 2021);
- A death resulting from a collision between a commuter rail train and a passenger vehicle (January 22, 2022);
- And the death of a Red Line passenger caught in a door and dragged off the platform (April 10, 2022).

In the wake of these and other incidents, the Federal Transit Administration (FTA) stated its intention to assume an increased safety oversight role of the MBTA, assess the effectiveness of the DPU in overseeing the MBTA, and conduct a safety management inspection of MBTA operations. I am troubled by this inspection, which revealed a clear failure of leadership and lack of commitment to public safety at MBTA and DPU. FTA's analysis noted that the numbers and rates of derailments and collisions on the MBTA rail system far exceed the industry average and those of many of the MBTA's peer transit systems. In addition to these serious safety incidents, these failures have led to shutdowns that affect hundreds of thousands of riders.

Stricter oversight of the MBTA's operations would have ensured a safer and more reliable transit system. But it's unclear what actions, if any, the DPU took to exercise its oversight responsibilities and address safety concerns. FTA noted that at the time of the inspection, seven findings of non-compliance for DPU remained open from a previous 2019 audit. In addressing this and other instances of inaction, the FTA issued eight Special Directives (22-4 through 22-7, and 22-9 through 22-12) of required actions for MBTA and two Special Directives (22-8 and 22-13) to be completed by DPU.

In order to maximize the opportunity to discuss this matter with you, oral testimony at the hearing will be limited to five minutes. Your written testimony will be included in the printed record in its entirety, together with any materials you would like to submit. For purposes of the Committee Record and printing, your written statement must be submitted by email in Microsoft Word to [REDACTED] Your written statement is due no later than 24 hours prior to the hearing.

If you have any questions regarding this hearing, please do not hesitate to contact [REDACTED] Thank you in advance for your cooperation.

Sincerely,



Elizabeth Warren  
Chair  
Subcommittee on Economic Policy