

Confidential – Not for Public Disclosure
Without Prejudice

May 2, 2019

FTA Region 1 Office
Kendal Square
55 Broadway, Suite 920
Cambridge, MA 02142-1093
Email: peter.butler@dot.gov

Attention: Peter Butler, Acting Regional Administrator

Re: MBTA Safety Critical Risk Notification

Dear Acting Administrator Butler,

On March 22, 2019 at 9:00 AM, I was informed of my termination. The discharge occurred shortly after a meeting with both you and FRA Administrator Les Fiorenzo, wherein we discussed, at your request, a number of GLX Project near misses, incidents, serious safety concerns, mitigation efforts and steps towards a corrective action plan.

I was told that my termination was due to a loss of confidence, and wanting to move in a different direction. I was not anticipating the termination as I had received no prior notice or direct indication of any failings or work performance issues verbally or in writing.

As I indicated in our conversation, my Safety Critical Risk Notification and Signed Statement, are specific to serious concerns I have with the degradation of MBTA's safety programs, the authority and responsibility of the Chief Safety Officer, and the integrity of communication with regulators in discussing and addressing safety hazards, risks, perils and issues of noncompliance in accordance with federal and state safety programs, regulations, and industry best practices.

While I was not informed of any specific failures or deficiencies in my work performance during my tenure as CSO, I have reasonably concluded, however, that over the past four years I have become aware of an ever increasing isolation from the GM my direct report, and substantial interference and encumbrances by key members of management to thwart my autonomy.

These impediments directly impacted my ability as CSO, to effectively fulfill obligations to adequately safeguard passengers, employees, and the public from hazards, risks and perils. I further contend that I experienced direct hindrances by management upon my ability to identify, report, and address critical safety risks; and to communicate, discuss and answer questions with your office, as well as with other state and federal regulators and agencies without fear of retribution.

These strains I argue seriously undermine MBTA's transit and commuter rail safety programs, increasing MBTA's commuter rail, transit, roadway worker safety and GLX Project hazards and risks to imminent, undesirable, and unacceptable levels, and introduces considerable systemic and organizational perils.

I further assert that key and influential members of MBTA's management and DPU officials suppressed, conspired, curtailed, ignored and/or covered up safety critical hazards of known risks, corrective action plans, and issues of non-compliance under investigation by the office of the Chief Safety Office in order to misrepresent critical safety information to federal and state regulators, media, and public.

It is my belief that such acts were committed as a result of fear, paranoia, hypervigilance (public scrutiny, media, regulatory intervention) and a cultural byproduct of an organization prone to a hostile work environment with high levels of suppression of information, misrepresentation, coercion, undue influence, threat, intimidation and retaliation.

I have attached my Signed Statement, declared under penalty of perjury, describing to the best of my knowledge and recollection, various events, investigations, influences, malfeasances, and outcomes that negatively affected my role as Chief Safety Office, over the past four (4) years, and increased health and safety risks. The Statement describes the following:

- GLX Project
- Rail Transit Safety Program
- Commuter Rail Safety Program
- Bus Transit Safety Program
- Workplace Safety Program
- Roadway Worker Program
- Capital Safety Programs
- Retaliation Against Employees Reporting Safety Concerns

Although the Statement is comprehensive in nature and detail, it is by no means all-inclusive of the particulars of the specific incidents, nor other occurrences. I am happy and available to answer any further questions, and will cooperate fully with any follow-up.

I thank you again for your time and consideration in reviewing this matter, and am hopeful that this information will remedy and improve MBTA's safety programs for the greater health and safety of the people of the Commonwealth.

If you have any questions, please feel free to contact me directly at [REDACTED] or by email: [REDACTED]

Respectfully,

Ronald W. Nickle

Ronald W. Nickle

Electronic Signature

Cc: Charles Dyer, Esq.

FTA Region 1

Regional Counsel

Email: charles.dyer@dot.gov

Enclosure: Signed Statement – Ronald W. Nickle