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STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

January 21, 2016

Mr. Thomas Prendergast
Chairman and Chief Executive Officer
Metropolitan Transportation Authority
2 Broadway
New York, NY 10004

Re: Metropolitan Transportation Authority -
Bus Driver Licensing
Report 2015-F-13

Dear Mr. Prendergast:

Pursuant to the State Comptroller's authority as set forth in Article X, Section 5 of the State Constitution and Section 2803 of the Public Authorities Law, we have followed up on the actions taken by officials of the Metropolitan Transportation Authority to implement the recommendations contained in our prior audit report, *Bus Driver Licensing* (2012-S-30).

Background, Scope, and Objective

The Metropolitan Transportation Authority (MTA) is a public benefit corporation providing transportation services in and around the New York City metropolitan area. It is governed by a 23-member Board of Directors, whose members are appointed by the Governor with the advice and consent of the State Senate. The MTA has six operating constituent agencies; two of them (MTA Bus Company and New York City Transit) provide bus service. In 2008, the MTA established its Regional Bus Operations (RBO) to consolidate maintenance and transportation operations into one organization. RBO maintains a fleet of about 5,700 buses operating out of 28 depots. Its buses serve an average of 2.5 million commuters each day. According to RBO records, 11,845 drivers were active in passenger service from June 2013 to June 2015. RBO's Safety and Training Division provides ongoing training to all bus drivers, with an emphasis on driver and passenger safety.

Article 19-A of the New York State Vehicle and Traffic Law (Article 19-A) was enacted to further highway safety by creating standards for the qualification of bus drivers. Article 19-A requires that bus drivers meet certain requirements to obtain and retain the ability to operate a bus carrying passengers. Article 19-A requires that bus drivers pass periodic reviews including a medical examination every two years, a behind-the-wheel driving test every two years, a written or oral driving examination every two years, be observed driving once a year, and participate in

an annual interview to review their driving record. The regulations issued by the Commissioner of the Department of Motor Vehicles (DMV) define annual as within a consecutive 12-month period, and biennial to mean within a consecutive 24-month period. According to Article 19-A, RBO is responsible within 10 days for dropping any driver from the DMV Article 19-A roster who has lapsed on their Article 19-A certification. RBO must also maintain certification records for a minimum of three years for every driver.

Our prior audit determined that the majority of MTA bus drivers we sampled met the requirements of Article 19-A. However, we found some drivers did not meet the requirements of Article 19-A, but were allowed to drive a bus carrying passengers after lapses in compliance with certification requirements. In addition, we found that the Safety and Training Division did not always maintain complete certification records, and outdated medical forms were used to certify drivers.

We issued our initial audit report on June 13, 2013. The objective of our follow-up review was to assess the extent of implementation, as of December 3, 2015, of the four recommendations included in the initial report.

Summary Conclusions and Status of Audit Recommendations

We found that the MTA made progress in implementing the recommendations contained in our prior report. However, further actions are still needed. Of the four prior audit recommendations, three were implemented and one was partially implemented.

Follow-up Observations

Recommendation 1

Ensure that all drivers have met the requirements of Article 19-A, and instruct depot superintendents that no driver can operate a bus in passenger service if the requirements are not met.

Status - Partially Implemented

Agency Action - We determined that of 37 drivers sampled, seven drove for 73 days or 599 hours in passenger service although they did not meet the 19-A requirements. Three of the seven drivers did not meet the medical examination requirement, and three other drivers did not take the required annual defensive driving tests. The remaining driver did not take the required annual defensive driving test, and there was no annual review of this employee's driving record. In addition, the MTA is required to notify DMV within ten days when a new driver is hired. One of the drivers in our sample was hired on March 10, 2014. However, DMV was not notified until April 2, 2014 (or 23 days after hiring).

Transit has instructed its staff that no driver operate a bus in passenger service if the medical requirements are not met. Hence, bulletins were issued on October 18, 2012 and July 31, 2015 to Managers, Supervisors, Bus Operators and other pertinent parties as a

reminder that a medical exam must be completed no later than two years from the date of the prior exam and that a driver is not allowed to operate a bus until completion of such examination. These bulletins were limited to medical exams and did not address the other requirements.

Transit monitors compliance with the medical requirements through a “medical watch report.” The report is emailed to Transit personnel (including depot Superintendents), listing drivers whose medical exams are overdue or are due in the next two days. Superintendents at the depots are responsible for ensuring that the drivers go for their medical exams. Depot Superintendents are not responsible for monitoring a driver’s compliance with any other 19-A requirements.

Recommendation 2

Monitor completed medical examination dates on the Unified Timekeeping System and develop a method of ensuring that completed medical records have been appropriately sent to, reviewed and filed at the training facility.

Status - Implemented

Agency Action - The Bus Safety and Training Division has implemented a 19-A Medical Audit process. A report is periodically prepared that indicates drivers whose medical exams appear to be overdue. Follow-up is done by Bus Safety and Training Division personnel to determine if the driver missed the medical exam or the date of the latest exam was not entered on the system, perhaps due to a missing form.

Recommendation 3

Provide physicians with updated medical certification forms to comply with Article 19-A requirements.

Status - Implemented

Agency Action - The 37 employee records reviewed at the Bus Safety and Training Division contained copies of the appropriate (updated) medical certification forms that were provided to physicians.

Recommendation 4

Ensure that any standards promulgated pursuant to the requirements of Article 19-A be committed to writing in a timely manner.

Status - Implemented

Agency Action - As previously noted, Bulletins were issued on October 18, 2012 and July 31, 2015

as reminders that medical examinations must be completed no later than two years from the actual date of the prior exam.

Contributors to this report were Robert Mehrhoff, Myron Goldmeer, Erica Zawrotniak, and Jasbinder Singh.

We would appreciate your response to this report within 30 days, indicating any actions planned to address the unresolved issues discussed in this report. We also thank MTA management and staff for the courtesies and cooperation extended to our auditors during this process.

Very truly yours,

Carmen Maldonado
Audit Director

cc: M. Fucilli, Auditor General
D. Jurgens, Audit Director
Division of the Budget