



Metropolitan Transportation Authority

State of New York

June 13, 2016

Ms. Carmen Maldonado
Audit Director
The Office of the State Comptroller
Division of State Government Accountability
59 Maiden Lane, 21st Floor
New York, NY 10038

Re: Final Report #2015-F-27 (Access-A-Ride Accident Claims)

Dear Ms. Maldonado:

This is in reply to your letter requesting a response to the above-referenced final report.

I have attached for your information the comments of Veronique Hakim, President, NYC Transit, which address this report.

Sincerely,

A handwritten signature in black ink, appearing to read "T. F. Prendergast", written over a horizontal line.

Thomas F. Prendergast
Chairman and Chief Executive Officer

C: Donna M. Evans
MTA Chief of Staff

Attachments

The agencies of the MTA

MTA New York City Transit
MTA Long Island Rail Road


MTA Metro-North Railroad
MTA Bridges and Tunnels

MTA Capital Construction
MTA Bus Company

Memorandum



New York City Transit

Date June 3, 2016
To Thomas F. Prendergast, Chairman/CEO, MTA
From Veronique Hakim, President, MTA New York City Transit 
Re **Audit Report of Access-A-Ride Accident Claims Report 2015-F-27**

Thank you for the opportunity to review and provide comments to the subject report concerning Access-A-Ride (AAR) Accident Claims. NYC Transit is committed to providing high quality, safe, and cost-effective service to our customers. In 2015, AAR provided over 6.3 million trips, supplying enhanced mobility to more than 144,000 residents of New York City. The Follow-up report noted that the overall demand for AAR service has increased, yet the percentage of service provided by Dedicated Service Contractors (DSCs) decreased. DSC per trip costs are approximately twice the per trip costs of Broker Car Service Contractors (BCSCs) and black car services. To achieve savings, where practical, Paratransit has assigned trips to these latter service providers.

As referenced in the report, NYC Transit provides this critical paratransit service in accordance with federal regulatory standards promulgated by the Federal Transit Administration. Of course, NYC Transit is always seeking to improve the performance of the AAR providers it engages to deliver service. Toward that end, NYC Transit has included very demanding performance standards in its contracts with both the dedicated Carriers and black car based non-dedicated contractors.

We will continue to enhance our efforts to improve contractor performance, so that our customers receive reliable, timely, safe and cost-effective service. As noted in your report, two of the Comptroller's original recommendations have been fully implemented. As discussed below, we have initiated or are now taking follow-up actions with respect to the eight recommendations identified in the report as Partially Implemented.

Recommendation 1: *“Meet with black car service providers to remind them of their responsibility to report accidents to the Paratransit Division in accordance with their contract and ensure they have a corrective action plan for drivers involved in accidents.”*

Follow-up Report Comments: On April 10, 2014, Paratransit sent a letter to black car service providers reminding them of their accident reporting responsibilities. However, Paratransit has not monitored them to ensure there are corrective plans for drivers involved in accidents.

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Response: Paratransit is creating a form for black car service providers to complete, which specifies all required information which must be provided concerning accidents, including any required action plans for individual drivers. This information will be entered into a database that Paratransit will utilize to analyze accident trends pertaining to individual drivers, locations, times of accidents, and other critical data.

Recommendation 3: *“Ensure all Carriers are in compliance with contract accident-reporting requirements”*

Follow-up Report Comments: Effective April 2014, Carriers were required to report accidents in the Paratransit Accident and Incident/Road Calls System (PAIRS). Carriers are required to telephonically report incidents no later than one hour after an incident and to submit Supervisor’s Accident/Incident report, MV104 and photographs of the accident within 24 hours. The Follow-up report noted that these documents were not consistently submitted timely. The report also noted that many of the accident packages did not contain all of the required documents.

Response: Paratransit is modifying PAIRS to identify and generate daily reports of accidents which are not reported within one hour. Carriers are required to electronically send accident packages to the Command Center within 24 hours. The information from these packages is reviewed by Command Center personnel for completeness. Paratransit is developing a qualitative checklist for Command Center personnel to complete to document their review and capture any outstanding items. If the package is not complete, Command Center personnel will initially attempt to resolve outstanding issues with the Carrier. If they cannot resolve those issues, the matter will be referred to the Contract Manager to resolve. Command Center personnel will enter the accident package into PAIRS. If there are outstanding items on the accident package, it will be noted on PAIRS. PAIRS will be modified to generate reports of overdue 24 hour accident package submissions, and of accident packages that are not complete.

Recommendation 5: *“Require Carrier Road Supervisors to complete the property damage assessment and record the results in the Carriers records including evidence that the accident has been reported to DMV where required.”*

Follow-up Report Comments: Effective April 1, 2014, Carriers were required to utilize PAIRS to report accidents. Carriers were reminded to provide Paratransit with completed MV-104 forms and to file these forms with the DMV. However, the Carriers were not reminded to retain evidence the MV-104 was sent to the DMV or the need for property damage estimates. The Follow-up report noted that of the Supervisory Accident reports submitted to Paratransit, most did not consistently contain accident damage estimates. The Follow-up report also noted that Carriers did not retain proof that MV-104 forms were sent to DMV.

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Response: As indicated in our response to Recommendation #3, Paratransit is creating a qualitative checklist for accident packages to be completed by Command Center personnel. This review will identify whether damage estimates were prepared. If estimates were not prepared, it will be identified as an exception on the checklist and reported through PAIRS. The DMV does not accept MV-104 forms by email, but does accept faxes. To ensure Carriers submit MV-104 forms to DMV, and that these submissions are documented, Paratransit will require Carriers to fax MV-104 forms to the DMV, and retain the fax confirmation in the accident file. Paratransit Standards & Compliance personnel will periodically review these files for completeness.

Recommendation 6: *“Issue accident reporting and damage estimating guidance to Carriers and to other service providers to promote consistency and uniformity of approach.”*

Follow-up Report Comments: In March and April 2014, Paratransit provided a mandatory two-day training class to Carrier supervisors who respond to incidents and accidents. Paratransit claimed the training included damage-estimating guidance, however, documentation was not provided to support this training module.

Response: The mandatory two-day training included a module that provided training in estimating damage. This training was verbally provided and documentation is not available. Therefore, Paratransit is developing damage estimating guidelines to be issued to Carriers.

Recommendation 8: *“Ensure that Carrier’s drug and alcohol coordinators maintain the appropriate records as required by contract and federal regulations including records that document the randomness of the selection process.”*

Follow-up Report Comments: Paratransit sent a letter to Carriers which indicated drug and alcohol coordinators must be adequately trained, and maintain complete and accurate records. The Follow-up report confirmed that Paratransit Contract Managers review the Carriers’ Drug and Alcohol Programs. These reviews do not ensure testing is performed randomly. Additionally, Carriers’ records did not contain any evidence that tests were performed randomly.

Response: Each of the Carriers’ drug and alcohol testing programs is scheduled on a random basis through Third Party Administrators (TPAs). Each Carrier will be required to obtain and retain an attestation from the TPA that the drug and alcohol testing schedule is randomly generated. A copy will also be retained by Paratransit management.

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Recommendation 9: *“Ensure that Carrier’s drug and alcohol coordinators are fully aware of the standards and consequences of positive test results including the standard that requires employees with test results registering between .02 and .039 B.A.C. be relieved of their duties for 24 hours.”*

Follow-up Report Comments: Paratransit sent a letter to Carriers which indicated that drug and alcohol coordinators must be adequately trained, and maintain accurate and complete records. However, the letter did not mention the standards and consequences of positive test results.

Response: Paratransit management requested and received from each Carrier their policy/practice for addressing employees who registered between .02 and .039 B.A.C. and employees who registered .04 B.A.C. or higher. Each Carrier documented that they remove employees from service who registered between .02 and .039 B.A.C., and that they immediately terminate employees who registered .04 B.A.C. or higher.

Recommendation 10: *“Require Carrier quality control officials to ensure that drivers are conducting their pre and post trip inspections and that drivers sign reports as required by New York State Department of Transportation regulations. Where required by contract or practice, quality control officials should indicate their review by signing the report.”*

Follow-up Report Comments: Paratransit sent a letter to Carriers which indicated Carriers must continue to monitor pre and post trip inspections, and that spot checks must be performed to conform to NYSDOT regulations. The Follow-up report noted that post trip inspections were not consistently performed, and that several drivers claimed to have performed their post trip inspections prior to returning to the carrier’s facility.

Response: Carriers regularly perform sample observations of pre-trip inspections, and document these observations on a form which they retain. The Paratransit Standards & Compliance Unit reviews these documents during its monthly site visits. Paratransit is in the process of issuing a directive to the Carriers regarding their responsibility to regularly perform and document observations of post-trip inspections. The Paratransit Standards & Compliance Unit will review these documents during their monthly site visits. Paratransit is also notifying Carriers that drivers must perform their post trip inspections when they return to the Carriers’ facilities. The

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Follow-up noted that one Carrier placed a stamp next to the drivers' signature on OVCRs. This is an individual Carrier's added value practice when they review OVCRs to signify their review. It should be noted that there is no requirement for a secondary reviewer's stamp or signature unless a maintenance defect is noted. It should be noted that the NYSDOT reviews Carrier OVCR cards semi-annually as part of their vehicle inspection process.

Recommendation 11: *"Require Paratransit Officials to test compliance by spot checking the pre and post trip inspection practices of their Carriers"*

Follow-up Report Comments: The Paratransit Standards & Compliance Unit visits Carriers monthly and inspects OVCRs. However, there was no review of post trip inspections.

Response: As indicated in recommendation #10, Paratransit is in the process of issuing a directive to Carriers regarding their responsibility to regularly perform observations of post trip inspections. The Paratransit Standards & Compliance Unit will review Carrier post trip inspection practices during their monthly Carrier visits.