



Metropolitan Transportation Authority

State of New York

June 11, 2019

Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Honorable Thomas P. DiNapoli
Office of the State Comptroller
59 Maiden Lane, 31st Floor
New York, NY 10038

RE: Response to Final Report # 2018-S-36 – Homeless Outreach Program at the Metro-North Railroad

Gentlemen:

On February 21, 2019, the Office of the State Comptroller issued the above reference audit report. As required by Section 170 of the Executive Law, I am providing you with the attached response which addresses the recommendations contained in the report.

I have requested that MTA staff promptly meet with BRC to address the serious issues raised in this Audit. Additionally, I will be working with staff to ensure that management is following up on and enforcing the audit's recommendations, where appropriate, and requesting regular, interim reports to that effect.

A copy of the final audit report is attached for your convenience.

Sincerely,

A handwritten signature in blue ink that reads "Pat Foye".

Patrick J. Foye
Chairman and Chief Executive Officer

c: Helene Fromm, MTA Chief of Staff
Michael J. Fucilli, Auditor General, MTA Audit Services

Attachment

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



May 23, 2019

Mr. Patrick Foye
Chairman and Chief Executive Officer
Metropolitan Transportation Authority
2 Broadway, 20th Floor
New York, NY 10017

RE: 90 Day Response to OSC Audit of the Homeless Outreach Program at MNR (2018-S-36)

Dear Chairman Foye:

The Office of the State Comptroller's ("OSC") Final Report on the Metro-North Homeless Outreach Program ("Final Report") made six recommendations to Metro-North. This letter serves as our formal response and update addressing the findings and recommendations, many of which had been in progress prior to Metro-North receiving the recommendations from OSC.

Recommendation 1:

Develop and establish quantifiable performance measures for the Contract.

MNR Response to Recommendation 1:

In-Progress – MNR Customer Service and Stations has been in the process of developing quantifiable metrics with the MNR Procurement Department and BRC, which is anticipated to be completed by the end of the third quarter of 2019. These metrics will be implemented, documented and reported prospectively, as will any possible contract enhancements or changes that may be needed.

Recommendation 2:

Ensure BRC's compliance with Contract provisions, including but not limited to:

- Submitting expense invoices monthly, along with acceptable supporting documentation;
- Providing the required outreach worker staffing levels;
- Adhering to the schedule of required station visits; and
- Ensuring outreach workers' clothing and vehicle have the required "MTA Metro-North Railroad Outreach Program" logo.

MNR Response to Recommendation 2:

MNR is in compliance with this recommendation. As stated in our initial response we had addressed these issues with BRC prior to this audit being issued and MNR continues to hold BRC accountable for purposes of compliance with its contractual obligations.

Recommendation 3:

Where Metro-North has decided to modify required services, document these modifications.

MNR Response to Recommendation 3:

MNR is in compliance with this recommendation. As indicated in our initial response, MNR has been, and will continue to be, documenting any modifications to the services. Changes discussed at monthly meetings are documented in the meeting minutes and distributed to all parties. Ad-hoc changes based on complaints, or employee observations that require immediate re-directing of BRC staff are documented in emails which are retained. These events are discussed and documented again at the monthly meetings. Any modifications that require contractual changes are done formally through the Procurement Department.

Recommendation 4:

Develop and establish internal controls to ensure that BRC's reported data is accurate and complete, and use the available data to make informed managerial decisions.

MNR Response to Recommendation 4:

MNR is in compliance with this recommendation. Since the inception of the contract MNR has made informed decisions pertaining to station visits utilizing customer/employee complaints as well as BRC data. MNR will continue to closely monitor BRC data to ensure accuracy and that they are providing adequate services when at stations. We have already implemented procedures for BRC to ensure that they are reporting to District Managers and Ticket offices when they arrive and depart stations, as a form of control to ensure that the reported data is accurate.

Recommendation 5:

Assess requiring outreach workers to periodically visit each station and canvass station employees and vendors to ascertain whether homeless persons have been observed.

MNR Response to Recommendation 5:

MNR does not agree with this recommendation. MNR has a responsibility to manage its resources prudently. It would be impractical to send BRC to stations that are not having issues with the homeless. Indeed, it would divert attention and resources from stations with known problems. We currently have the ability to adjust the schedule in real-time to handle actual complaints that are received from employees, customers and MTAPD. Vendors and station employees currently communicate with District Managers when issues arise at stations.

Recommendation 6:

Monitor outreach workers to ensure they are providing a sufficient level of outreach services.

MNR Response to Recommendation 6:

MNR is in compliance with this recommendation. MNR will continue to closely monitor that BRC is meeting the contractually agreed level of service. As indicated in our response to Recommendation 4, above, we have already implemented and/or enhanced the controls, and our ability to audit service levels, and to hold BRC to the expected level of service.

Sincerely,

A handwritten signature in black ink, appearing to read "Catherine Rinaldi". The signature is fluid and cursive, with a large initial "C" and a distinct "R".

Catherine Rinaldi

cc: M. Fucilli
S. Doering
R. Gans
T. Mitchell
P. Diaz
N. Gilbertson
D. Jurgens

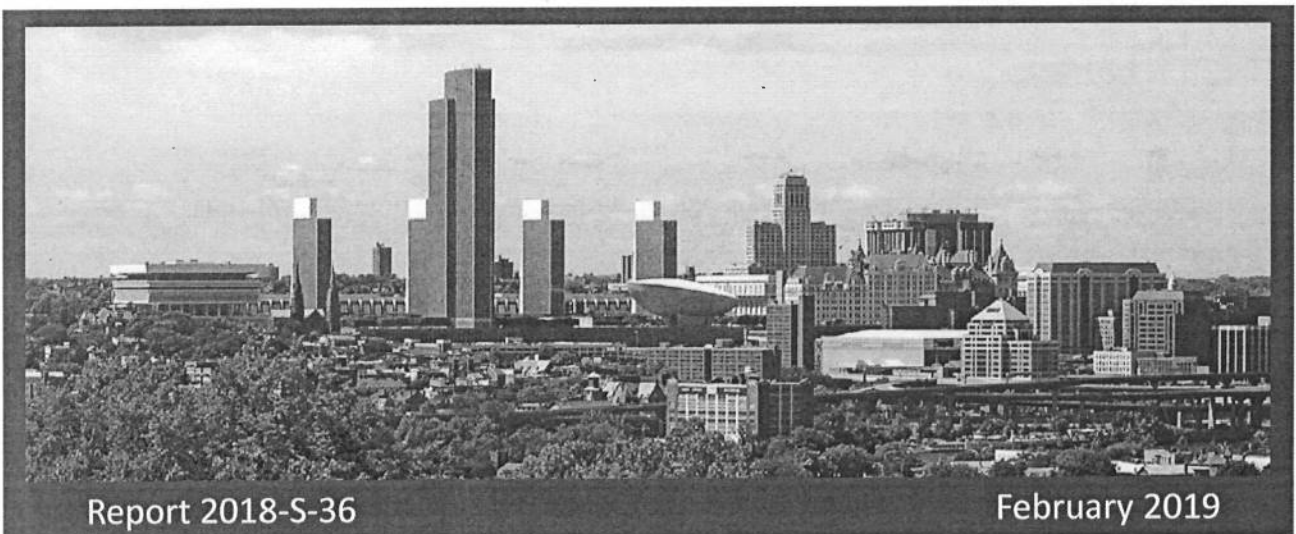


New York State Office of the State Comptroller
Thomas P. DiNapoli

Division of State Government Accountability

Homeless Outreach Program at the Metro-North Railroad

Metropolitan Transportation Authority



Report 2018-S-36

February 2019

Executive Summary

Purpose

To determine whether the Metro-North Railroad (Metro-North) has appropriate oversight and monitoring controls over its homeless outreach services contract and whether Metro-North has met its goal in assisting homeless clients to appropriate shelters off Metro-North property. Our audit covered the period June 16, 2017 to September 30, 2018.

Background

With an annual ridership of nearly 87 million customers – and an average of 298,300 customers daily – Metro-North is the second busiest commuter railroad in the United States. As of December 2017, Metro-North had 123 stations (not including Grand Central Terminal) distributed in seven counties in New York State (Bronx, Dutchess, New York [Manhattan], Orange, Putnam, Rockland, and Westchester) and two counties in Connecticut (New Haven and Fairfield). The presence of the homeless at Metro-North stations is a growing concern for Metro-North customers and staff, and sometimes presents law enforcement issues. In an effort to better address the homeless issue and to assist the homeless, in June 2017, Metro-North entered into a five-year contract (totaling \$2,142,399) with Bowery Residents' Committee (BRC) to provide homeless outreach services (Contract). Pursuant to the Contract, BRC is responsible for carrying out regular visits to the Metro-North stations to observe, record, and engage in homeless outreach activity. BRC is required to produce Daily Activity Reports, Weekly Reports, Monthly Reports, and Annual Reports related to its established performance measures, and is required to submit these reports to Metro-North officials. BRC is also responsible for entering the data from its Daily Activity Reports into the Metropolitan Transportation Authority's (MTA) Homeless Outreach Program (HOP) database.

Key Findings

- Despite the requirement under the Contract, Metro-North has not developed any quantifiable performance measures for the BRC Contract and, as a result, has no basis for determining whether BRC's outreach services are meeting expectations for assisting homeless clients.
- The homeless outreach data BRC reported was not accurate or complete, and Metro-North does not have a process in place to verify reported data. In fact, Metro-North did not even have access to the MTA HOP database that BRC uses to report the results of its outreach.
- Based in part on our observations, we determined BRC is providing only limited outreach services, which is one of the primary responsibilities under its contract. For example, we found that, on average, outreach workers spend only about 21 percent of their time providing actual outreach services (compared with 43 percent of time spent in their office and 36 percent of time spent traveling between stations) and, for the period September 5, 2017 to July 31, 2018, BRC only visited 27 of Metro-North's 123 stations for homeless observations.

Key Recommendations

- Develop and establish quantifiable performance measures for the Contract.
- Develop and establish internal controls to ensure the reported homeless outreach data is complete and accurate, and use the data to make informed decisions.
- Monitor outreach workers' performance to ensure they are providing a sufficient level of services.

Other Related Audits/Reports of Interest

Homeless Shelters and Homelessness in New York State – An Overview, Exclusive of New York City (2016-D-3)

Metropolitan Transportation Authority – Long Island Rail Road: Management of Unexpected Delays and Events During Winter 2017-18 (2017-S-37)

**State of New York
Office of the State Comptroller**

Division of State Government Accountability

February 21, 2019

Mr. Fernando Ferrer
Acting Chairman
Metropolitan Transportation Authority
2 Broadway
New York, NY 10004

Dear Mr. Ferrer:

The Office of the State Comptroller is committed to helping State agencies, public authorities, and local government agencies manage their resources efficiently and effectively. By so doing, it provides accountability for the tax dollars spent to support government operations. The Comptroller oversees the fiscal affairs of State agencies, public authorities, and local government agencies, as well as their compliance with relevant statutes and their observance of good business practices. This fiscal oversight is accomplished, in part, through our audits, which identify opportunities for improving operations. Audits can also identify strategies for reducing costs and strengthening controls that are intended to safeguard assets.

Following is a report of our audit entitled *Homeless Outreach Program at the Metro-North Railroad*. This audit was performed pursuant to the State Comptroller's authority under Article X, Section 5 of the State Constitution and Section 2803 of the Public Authorities Law.

This audit's results and recommendations are resources for you to use in effectively managing your operations and in meeting the expectations of taxpayers. If you have any questions about this draft report, please feel free to contact us.

Respectfully submitted,

*Office of the State Comptroller
Division of State Government Accountability*

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State Government Accountability Contact Information:

Audit Director: Brian Reilly

Phone: (518) 474-3271

Email: StateGovernmentAccountability@osc.ny.gov

Address:

Office of the State Comptroller
 Division of State Government Accountability
 110 State Street, 11th Floor
 Albany, NY 12236

This report is also available on our website at: www.osc.state.ny.us

Background

With an annual ridership of nearly 87 million – and an average of 298,300 customers daily – Metro-North Railroad (Metro-North) is the second busiest commuter railroad in the United States. As of December 2017, Metro-North had 123 stations (not including Grand Central Terminal) distributed in seven counties in New York State (Bronx, Dutchess, New York [Manhattan], Orange, Putnam, Rockland, and Westchester) and two counties in Connecticut (New Haven and Fairfield).

The presence of the homeless at Metro-North stations is a growing concern for Metro-North customers and staff, and sometimes presents law enforcement issues. In an effort to better address the homeless issue and to assist homeless individuals, Metro-North entered into a five-year, \$2,142,399 contract with Bowery Residents' Committee (BRC) to provide homeless outreach services (Contract). As part of its Contract, which is for the period June 16, 2017 to June 15, 2022, BRC is responsible for performing outreach services via regular visits to the Metro-North stations and the surrounding areas (right-of-ways) to observe, record, and report homeless outreach activity. BRC's outreach work began in September 2017.

Metro-North is responsible for the oversight and monitoring of its Contract with BRC. According to the Contract, BRC is required to perform all work in accordance with the Contract's Statement of Work, and shall not make any modifications except pursuant to a written change order with Metro-North. BRC is required to produce Daily Activity Reports, Weekly Reports, Monthly Reports, and Annual Reports related to its established performance measures. BRC is also required to recommend additional tracking mechanisms and performance criteria.

Audit Findings and Recommendations

We determined that Metro-North does not have appropriate oversight and monitoring controls over its Contract to ensure that BRC's activities and outreach services are appropriate and contractually compliant. In addition, the Contract did not include any quantifiable performance measures, nor have Metro-North officials developed any. Lacking quantifiable performance measures, Metro-North has no basis for determining whether BRC's homeless outreach services are meeting expectations or whether Metro-North is achieving its goal of maintaining a safe, secure transit environment by assisting homeless clients to appropriate shelters off Metro-North property.

Among our other notable findings, we also determined that:

- BRC's reported homeless outreach data contained inaccuracies and was not complete, and Metro-North did not have a process in place to verify reported data.
- BRC outreach teams did not provide comprehensive outreach services during their station visits. In fact, based on our observations, the homeless outreach workers spent, on average, only 1.7 hours per 8- or 8.5-hour shift conducting outreach services.
- From September 5, 2017 to July 31, 2018, outreach teams visited only 27 of Metro-North's 123 stations (22 percent). These gaps in coverage across stations increase the likelihood that homeless individuals are not being identified and receiving outreach services.

Contract Between Metro-North and BRC

Performance Measures

The Contract identifies outreach program success as a decrease in the average number of observations of homeless individuals per shift. However, the Contract does not specify an acceptable decrease amount or recommended trend time period (e.g., quarterly, yearly, or over the life of the Contract). This vagueness creates broad latitude for BRC to deliver on "success," and holds BRC to only the most minimal of standards. Further, while the Contract requires BRC to recommend additional tracking mechanisms and performance criteria, we found that BRC has not made any such recommendations.

In response to auditors' concerns, Metro-North officials did not offer any clarification of the Contract's definition of success. We believe that Metro-North should confirm its performance criteria with BRC as a way to measure the performance of outreach services (e.g., number of shelter placements) and its impact on the homeless population at Metro-North stations as well as strengthen accountability. Metro-North officials advised us they will look into what performance measures can be developed, but could not provide a time frame for when these would be put into place.

Invoicing of Expenses

Metro-North is responsible for ensuring that BRC's invoices authorized for payment are correct and valid and that claimed expenses are within the scope of BRC's work. Toward this end, pursuant to the Contract, BRC must submit expense invoices at the end of the month in which the expense was incurred, and invoices must be "supported by such other substantiation documentation as Metro-North may require." At face value, the phrase "such other substantiation documentation" is ambiguous and open to interpretation, and could create issues over the types of documentation that BRC is required to provide and that Metro-North will accept in order to accurately establish that expenses and services are in accordance with Contract terms. When asked for clarification, Metro-North officials responded that they "require documentation that shows that the item is specifically related to the Contract. The documentation should be easy to understand and follow." In addition, they stated that outreach workers' time cards should be included as part of BRC's documentation.

Subsequent to our discussion, Metro-North officials developed and provided further guidelines to BRC for monthly invoice processing; however, we found that BRC is not following these guidelines.

Based on our review of BRC's invoices for the period September 2017 to May 2018, totaling \$166,219, we determined that expenses totaling \$119,674 either did not have sufficient supporting documentation or were not Contract-related, as follows:

- \$118,644 in personal service expenditures that were not supported by time cards, as required by Metro-North.
- \$850 in vehicle expenses (e.g., fuel) that were not sufficiently documented.
- \$180 in non-allowable BRC vehicle parking tickets.

Metro-North officials advised us that they have only made payments on invoices for September to December 2017 *and* only because of their contractual requirement to make payments no later than 30 days after invoice receipt. They claimed they made the payments with the understanding that the invoices and documentation would be reviewed by an auditor and any questionable charges would become credits. Metro-North officials also advised us that all invoices for 2018 are under review and on hold, and they will not make any further payments until BRC's invoices meet their requirements.

Metro-North had to engage in a complicated series of reactive steps to address BRC's invoicing issues. We believe that Metro-North may have avoided these problems had its Contract with BRC included specific documentation guidelines.

We also found that BRC does not always submit invoices at the end of each month, as required. For the nine-month period from September 2017 to May 2018, invoices for five months (September–November 2017 and February–March 2018) were submitted late, in some cases up to 3 months. Metro-North officials advised us that timeliness of invoicing has been an ongoing issue that they have been working to address. After several meetings with BRC officials, Metro-North provided the contractor with written guidance and informed BRC that the guidance must be followed or invoices will be not paid.

Outreach Worker Staffing Levels

The Contract's Statement of Work required BRC to provide one team leader and five outreach workers (six workers in total). It also required two-person teams for each 8- or 8.5-hour shift, which consisted of a morning shift and evening shift during the weekdays and a morning shift on both days during the weekend. Furthermore, the Contract allows for BRC to bill for overtime.

Based on our review of BRC's payroll reports and work schedules, as well as interviews with Metro-North officials, we determined that BRC did not fulfill the requirement for six outreach workers. From September 5, 2017 to September 29, 2017, BRC provided only four outreach workers; from September 30, 2017 to February 17, 2018, it provided five outreach workers; from February 18, 2018 to May 25, 2018, it provided four outreach workers; and as of September 2018, the end of our audit period, only five outreach workers were provided.

We also reviewed BRC outreach workers' time cards for four judgmentally selected pay periods in 2017: September 16–29, 2017; October 14–27, 2017; October 28–November 10, 2017; and November 25–December 8, 2017. (We could not select time cards for 2018 because BRC did not provide these to Metro-North.) Of the 96 shifts reviewed during these four pay periods, 22 (23 percent) had only one outreach worker rather than the required two, potentially limiting the effectiveness of homeless outreach. Moreover, without required staffing levels, the existing outreach workers had to work overtime to ensure adequate shift coverage. During the period September 2017 through December 2017, Metro-North paid BRC for 197 hours of overtime (190 hours of time and a half and 7 hours double time) totaling \$1,623, due in large part to BRC's failure to meet contract staffing requirements.

According to Metro-North officials, they informed BRC that overtime would only be paid in the event of an extended shift (e.g., due to a placement), and overtime would not be paid to cover shifts due to understaffing (e.g., due to vacation, illness). Metro-North officials advised us that they will request a credit from BRC for those instances where overtime was related to understaffing.

Required Station Visits

The Contract specifically targets 13 stations for required outreach, and states these stations should be visited on a "routine basis" – which, as Metro-North officials told us, meant a frequency of two to three times per week. Based on a review of Monthly Reports – and using Metro-North's stated frequency standard – we determined that, for the 11-month period September 2017 to July 2018, only 6 of the 13 stations (46 percent) received the expected number of visits and 2 of these had only been visited once (see Table 1).

Table 1 – Outreach Frequency at 13 Required Stations

Station	Expected No. of Visits	Actual No. of Visits
Harlem*	96	654
White Plains	96	168
Mt. Vernon East	96	162
Yonkers	96	148
Mt. Vernon West	96	132
Stamford	96	111
Poughkeepsie	96	91
New Rochelle	96	54
Tarrytown	96	51
Peekskill	96	41
Croton-Harmon	96	18
Wakefield	96	1
Beacon	96	1

*BRC's outreach team office is located at Harlem-125th St. Station, so each shift begins and ends at this location.

In explaining the discrepancies, Metro-North officials backtracked on their initial estimation of “routine basis,” establishing a lower acceptable frequency rate that is consistent with the data reported. Furthermore, they stated that their commitment to the Contract requirement of 13 stations with routine visits changes as the homeless population shifts to different stations.

We reviewed the minutes from ten monthly meetings between Metro-North and BRC during the period September 2017 through July 2018 and found no reference to any change of procedure involving the 13 stations (in total). Furthermore, while individual stations (e.g., Yonkers, White Plains, Mt. Vernon East) were discussed, there was no documentation elsewhere – from other meetings or discussions with BRC – supporting that any change to the list of required stations was based on demonstrated need.

Other Matter

Metro-North's Contract contains a provision covering program identification. It requires that BRC employees' jackets/shirts, business cards, and program vehicles be emblazoned with the logo “MTA Metro-North Railroad Outreach Program” to make outreach workers readily identifiable to homeless individuals who may be seeking services. However, we found that neither outreach workers' clothing nor their BRC vehicle complied with this requirement.

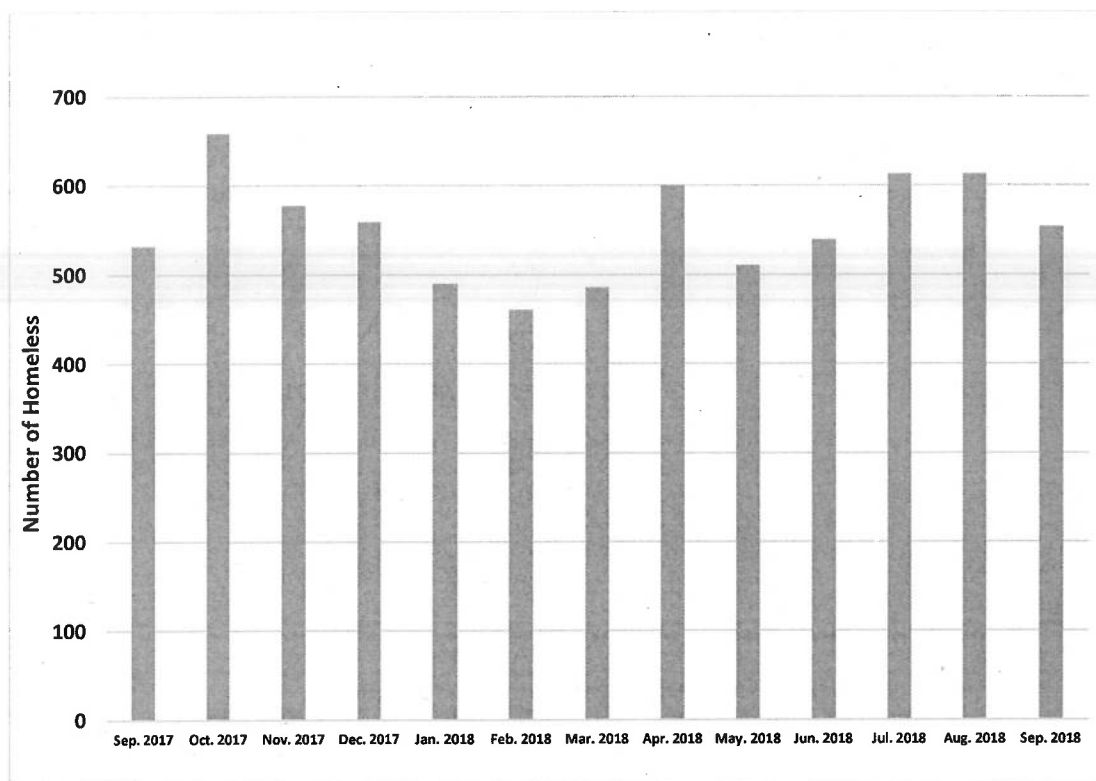
Despite Metro-North officials' assurance that they reminded BRC of the program identification requirement at their monthly meetings – and informed BRC that the end of calendar year 2018

would be the “drop-dead date” for compliance – when we questioned BRC officials, they expressed a lack of awareness of the requirements of the Contract. Without proper program identification on their clothes and the van, it is less likely that the BRC outreach workers will be associated with the program and individuals who require services may not take advantage of the assistance being offered.

Reported Data on Homeless Observations

From September 2017 to September 2018, BRC’s reported data generally indicates an early decreasing trend in homeless observations at Metro-North stations, followed by an increasing trend, albeit with intermittent decreases, starting in March 2018 (see Chart 1). As of September 2018, the reported number of homeless observations is essentially the same as it was in September 2017.

**Chart 1 – BRC-Reported Observations of Homeless Individuals
September 2017–September 2018**



However, as we show in the discussions that follow, our findings of inaccurate and incomplete data reported by BRC – not to mention outreach teams’ missed opportunities to visit stations for a more accurate observation count – render these reported results unreliable. Metro-North officials have no basis for determining with certainty whether homeless populations at their stations have increased or decreased and, as such, have no assurance that outreach activities are being directed to where they are needed most.

Data Collection and Analysis

As part of its homeless outreach services, BRC captures certain data regarding outreach activities during station visits, including the number of homeless clients observed, the number of homeless clients contacted, and the number of shelter placements. BRC records this data in the Daily Activity Report (Daily Report), Daily Outreach Log, and Daily Outreach Report. This data is then entered into BRC's computer system, from which BRC generates several standardized reports, including the Daily Report, Weekly Report, Monthly Report, and Annual Report. In addition, the outreach team enters the data into the Metropolitan Transportation Authority's (MTA) Homeless Outreach Program (HOP) database. The information entered into the HOP database includes more specific notes (e.g., comments on the condition of homeless clients or spots where the outreach team notices bedding or debris that may signal a homeless client) that are not always documented in the Daily Reports.

Overall, we determined that the data reported in the Daily Reports, Weekly Reports, Monthly Reports, and the HOP database contained inaccuracies and was incomplete, and Metro-North did not have a process in place to verify the reported data. Furthermore, up until August 31, 2018, Metro-North officials did not have access to the information in the HOP database, which would have been a means for Metro-North to verify BRC's data. In addition, there were no internal controls in place for Metro-North officials to monitor the reported data. Moreover, the available data was not reconciled or utilized by both Metro-North and BRC officials for any type of data analysis that would help them improve homeless outreach services.

Accuracy of Outreach Data

To determine whether the information reported by BRC was accurate and complete, we reviewed a judgmental sample of the Monthly Reports – for December 2017, March 2018, May 2018, and July 2018 (one month of each quarter of our audit period) – and compared them to the corresponding Weekly Reports and Daily Reports. For all four months sampled, we found differences in the number of observations, contacts, and placements recorded. For example, the May 2018 Monthly Report reported eight more observations, five more contacts, and two more placements than the corresponding Weekly Reports and Daily Reports. In addition, we found errors on the Daily Reports in the summary statistics. For example, on December 15, 2017 (day shift), the Daily Report reported a total of eight homeless contacts; however, the details only supported four.

We also compared the Weekly Report to the Daily Reports for four weeks: December 10–16, 2017; March 25–31, 2018; May 13–19, 2018; and July 1–7, 2018. For the week of December 10, the Weekly Report had two fewer contacts and two more placements than the Daily Reports. We also determined that the Daily Reports did not give sufficient detail to determine actual outreach time because the workers did not always account for all hours during a given shift (travel time, lunch time). In addition, where outreach workers reported significant variations in travel time between the same location points, they did not provide details to explain the time discrepancies. For example, in October 2017, outreach workers reported a range of commute times for travel between their temporary office on 119th Street and the Harlem-125th Street station, from 4 minutes up to 40 minutes. Lacking details to support such wide variations, we were left to question the accuracy of reported times.

The BRC's Daily Reports, Weekly Reports, and Monthly Reports are the basis for data analyses and informed outreach decision making. Given the inconsistencies of data and errors across these data sources, they cannot be utilized to their maximum potential. Further, BRC officials are not being held accountable for any errors or mistakes because Metro-North has not established any internal controls to ensure data accuracy.

Metro-North officials acknowledged that they do not conduct their own independent verification of the homeless count at stations, but stated that they will investigate this issue to determine what verification options are available. However, Metro-North officials could not provide a time frame or a plan for when this would occur.

Accuracy of HOP Data

The HOP database is a potential analytical tool that Metro-North could use to help improve homeless outreach, provided that the information it contains is accurate. We reviewed a judgmental sample of HOP reports for three weeks at different points in the Contract period: October 1–7, 2017; January 14–20, 2018; and April 22–28, 2018. Our review found the information in the HOP database to be inaccurate and incomplete. Specifically, we found:

- Data entry errors: For example, for the evening shift of October 2, 2017, the HOP report indicated outreach workers spent 623 minutes (10 hours 23 minutes) at Harlem-125th Street station and another 523 minutes (8 hours 43 minutes) traveling between Harlem-125th Street and Tremont stations – accounting for a 19-hour-plus work shift, not 8 hours.
- Missing data: BRC failed to enter outreach data into the HOP for the morning shifts of October 3, 2017 and October 5, 2017.
- Data variations between the HOP and Daily Reports:
 - Observations: Where the HOP accounted for 353 observations of homeless individuals during the sample period, the Daily Reports accounted for 385 – a difference of 32 (9 percent).
 - Contacts: Where the HOP reported 292 contacts with homeless individuals during the sample period, the Daily Reports indicated 316 – a difference of 24 (8 percent).

In our review of Daily Reports, we also found inconsistencies in how outreach workers reported time spent conducting outreach services. We found some instances where the outreach workers' reported hours included only their actual time engaging with homeless clients and other instances where their reported hours included travel time (as occurred for the two periods January 14–20, 2018 and April 22–28, 2018). Because our observations found that 35 percent of the outreach workers' time is spent traveling (as discussed later in the report), the inclusion of travel time significantly misreports time spent actually performing outreach services.

Notably, when we requested HOP data from Metro-North officials so we could perform these comparisons, they advised us they did not have access to the information in the HOP database because of the Health Insurance Portability and Accountability Act, which requires the protection and confidential handling of protected health information. Therefore, we contacted the MTA, which hosts the HOP database on its server. We found the MTA also did not have access to the HOP

data. It was not until our inquiry that the MTA gained access and was able to supply us with the requested data. This “disconnect” in interagency communication, organization, and operational management represents a significant impediment to Metro-North’s efforts to monitor homeless outreach activities and ultimately achieve its objective. Further, not only does Metro-North’s limited ability to accurately identify, and focus efforts on, high-need stations adversely impact the services that homeless clients receive, but its staff and customers may also be negatively affected.

Metro-North officials advised us that they gained access to the HOP database as of August 31, 2018 – 11 months into the Contract with BRC. As the HOP is an important tool for improving its homeless outreach, Metro-North’s access is a positive step. Going forward, Metro-North officials should develop procedures for the routine analysis of HOP data. However, to properly manage this Contract, Metro-North officials need to ensure that the data is accurate and complete and also retrospectively analyze the HOP data from the first 11 months of its Contract with BRC.

Outreach Activity

Station Visits

Based on our review of BRC’s Monthly Reports for the period September 2017 to July 2018, we determined that outreach workers only visited 27 of the 123 (22 percent) Metro-North stations. Table 2 provides a breakdown of station visits per Metro-North line.

Table 2 – Number of Station Visits per Line

Metro-North Line	Total No. of Stations	No. of Stations Visited	Percent Visited
Port Jervis	9	0	0%
Pascack Valley	3	0	0%
Harlem*	37	7	19%
Hudson*	28	11	39%
New Haven**	46	9	20%
Totals	123	27	22%

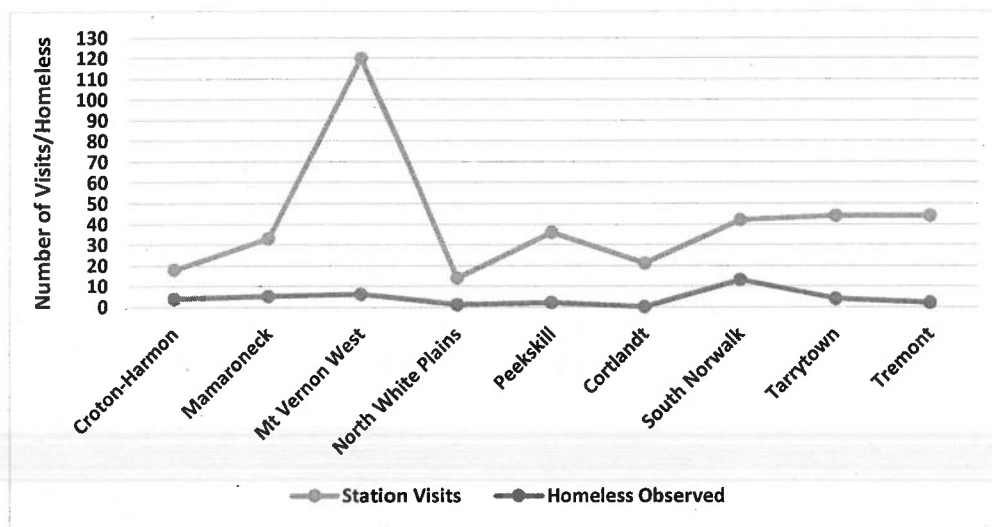
*Includes Harlem-125th Street station only on the Harlem Line.

**Excludes Fordham station, which is covered under the Harlem Line.

The Contract states that BRC must be proactively responsive to evolving deployment needs of Metro-North, in particular regarding staffing, locations, and strategies. According to BRC officials, the Outreach Schedule (the station visit schedule used by outreach workers) is generated based on contact patterns, targeted client follow-up, reports from MTA staff, and scheduled joint outreach with the MTA Police Department (MTA PD). BRC officials advised us that the Outreach Schedule continually changes based on the homeless population, and is adjusted to meet needs for service requests or complaints regarding conditions from the MTA. Although BRC and Metro-North officials meet monthly, we found that the schedules did not always reflect “need” discussions documented in the monthly meeting minutes, and BRC was not using all available data to create maximally effective Outreach Schedules.

Based on our review of the Monthly Reports for the period October 2017 through July 2018, we determined that the Outreach Schedules were not aligned with actual homeless client populations at Metro-North stations, and the outreach workers made frequent repeated visits to stations where there was little homeless activity. For example, during this nine-month period, outreach teams made: 120 visits to the Mt. Vernon West station, but observed only six homeless individuals; 44 visits to the Tremont station while only observing two homeless individuals; 36 visits to the Peekskill station while only observing two homeless individuals; and 21 visits to the Cortlandt station without any observations of homeless individuals. (See Chart 2 for a comparison of stations visited and number of homeless observed.)

Chart 2 – Comparison of Selected Station Visits to Homeless Observed



Metro-North officials largely attributed these discrepancies to timing issues, stating that, by the time outreach workers responded to complaints at the Peekskill, Mt. Vernon West, and Tremont stations, the homeless individuals had already left. While we agree that timing issues can happen, the significant discrepancies we identified between number of station visits and number of homeless observed may point to a potential misallocation of resources, re-emphasizing the need for both BRC and Metro-North to better use available data for decision making.

Metro-North officials also stated that, at the monthly meetings with BRC, they determine which stations need more or fewer visits based on a variety of factors, including observations by Metro-North employees, requests from the MTA PD, and complaints received. We reviewed minutes from ten monthly meetings for the period from September 2017 through July 2018, and compared them with station visits to see if scheduling matched the meeting discussions. Again, we found inconsistencies between stations visited and needs identified. For example:

- At the November 2017 meeting, a Metro-North employee observed that, as the weather grew colder, the number of homeless people at the Yonkers station increased. However, we determined that outreach workers actually made fewer visits to the Yonkers station as the fall-winter seasons ensued, with 20 visits in October, 11 visits each in November and December, and 8 visits in January.

- At the January 2018 monthly meeting, Metro-North officials requested that outreach workers eliminate visits to stations with one or no documented homeless observations, and reallocate that time to stations with a greater need. In February 2018, outreach workers visited 11 stations that resulted in one or no documented homeless observations – and re-visited five of these stations in April and June 2018. Additionally, in March 2018, outreach workers visited nine stations that resulted in one or no documented homeless observations. Metro-North officials advised us that these station visits may have been made in response to complaints, but could not provide documentation to support this.

OSC Station Visits Results

During our audit, we conducted our own observation visits to 12 stations on the Hudson line: 9 that, as of July 31, 2018, had never been visited by BRC – New Hamburg, Cold Spring, Garrison, Spuyten Duyvil, Marble Hill, Scarborough, Ardsley-on-Hudson, Hastings-on-Hudson, and Yankee Stadium – and three stations that had only been visited once – Greystone, Beacon, and Dobbs Ferry. Our walks through the stations led to one observation of a homeless person at the Marble Hill station. In addition, Metro-North employees and others (e.g., vendors) at the Scarborough, Cold Spring, Ardsley-on-Hudson, and Greystone stations informed us of their homeless observations at the Scarborough, Poughkeepsie, Cortlandt, Croton-Harmon, Beacon, and Ardsley-on-Hudson stations within the past year. Notably, three stations – Marble Hill, Scarborough, and Ardsley-on-the Hudson – still had not been visited by BRC as of September 19, 2018.

We also visited six of the stations on the Harlem line that had not been visited by the outreach workers: Southeast, Brewster, Croton Falls, Mount Kisco, Hawthorne, and Hartsdale. We walked the stations to search for any homeless individuals, but did not observe any. When asked for their input on observations of homeless at these or other locations, Metro-North staff and others at these locations informed us of observations of homelessness at the Mount Kisco, Brewster, Purdy's, Crestwood, and Hartsdale stations.

In response, Metro-North officials stated that they were not aware of any complaints of homelessness at the Purdy's station or the Hartsdale station. Further, they told us that Metro-North Stations Management had visited the Hartsdale station on a number of occasions and did not observe any homeless clients. Also, based on discussions with the MTA PD, Metro-North officials determined the Brewster station observations involved day laborers who had no place to go during the day or were waiting to be picked up for work.

We conclude that BRC and Metro-North officials may not be fully aware of homeless activity at stations, and one reason may be the minimal or lack of outreach visits by the outreach workers.

We believe outreach workers' efforts should extend to those stations that either have never been visited or are infrequently visited, and include a canvassing of Metro-North employees and vendors, to have a better accounting of the number of homeless.

Homeless Outreach Performance and Observations

To determine the effectiveness of BRC's homeless outreach services, we conducted announced observations of the outreach team's activities as they visited Metro-North stations. We also analyzed BRC's Outreach Schedules and calculated the time outreach workers spent providing homeless outreach services. Overall, we determined that outreach workers were not providing an adequate level of homeless outreach services based on Metro-North's expectations.

Time Spent Providing Outreach Services

The Contract requires two shifts of homeless outreach workers on weekdays: a morning shift from 5:00 a.m. to 1:30 p.m. and an afternoon shift from 4:00 p.m. to 12:00 a.m. In addition, the Contract requires a morning shift on both days of the weekend from 5:00 a.m. to 1:30 p.m. Metro-North officials advised us that they expect the homeless outreach workers to conduct homeless outreach services for 5 to 6 hours per shift (accounting for 59–71 percent of their time), depending on the amount of travel between the various Metro-North stations.

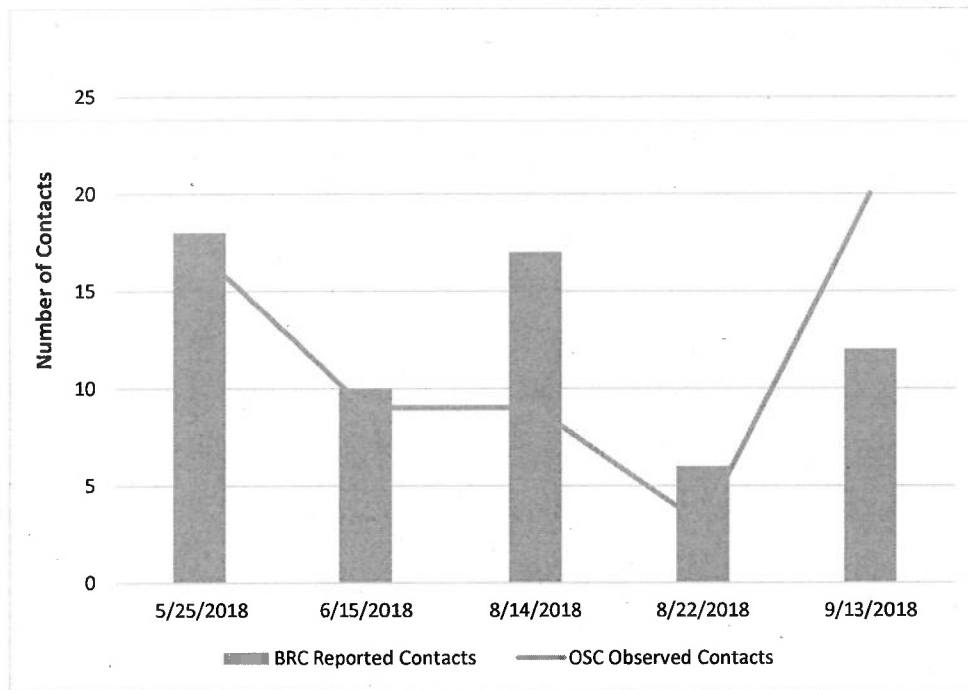
Based on data we compiled from our five announced observations (including time spent providing outreach services, time spent in travel, and time spent inside their office), we determined that the outreach workers were spending, on average, about 1.7 hours per shift conducting outreach services. Consequently, only 21 percent of their time was spent actually performing outreach services – much lower than the expected range of 59–71 percent. The rest of the time was spent either in the office (43 percent) or traveling (36 percent). For example:

- During the evening shift on May 25, 2018, the outreach workers spent 3 hours 50 minutes in their office at the Harlem-125th street Station (48 percent) and engaged in only one outreach effort of 35 minutes (13 percent). (The Harlem-125th Street station is the main office for outreach workers assigned to this Contract.)
- During the morning shift on August 22, 2018, outreach workers spent 3 hours 22 minutes (40 percent) in the office at the Harlem-125th Street station and engaged in only one 25-minute outreach effort (11 percent).

We also noted that outreach workers did not engage all the homeless clients we observed during our announced visits. For example, on the morning shift of August 22, 2018, outreach workers engaged only two of the five homeless clients we observed.

Additionally, we found discrepancies between the data we compiled during our five announced observations and the data reported by the outreach workers entered in their Daily Reports. For example, for the August 14, 2018 evening shift, we observed nine homeless individuals while outreach workers reported they observed and contacted 17 homeless individuals. Conversely, for the September 13, 2018 evening shift, we observed 20 homeless individuals while outreach workers reported they observed and contacted 12 homeless individuals. Chart 3 provides a comparison of the BRC-reported number of homeless contacts and auditors' observations recorded during our five announced visits.

Chart 3 - BRC Reported Contacts Versus Auditors' Observed Contacts



Outreach Schedule Analysis

We analyzed BRC's Outreach Schedules, Daily Reports, and Monthly Reports and identified periods where outreach efforts were limited. We determined that, overall, the outreach workers were not conducting outreach services at the level expected by Metro-North. Furthermore, much of their time was spent in their Harlem-125th Street station office and not engaging with homeless individuals who may need assistance.

- For the period June 2018 through September 2018, outreach workers only visited two to three stations per shift and spent the majority of their time at the Harlem-125th Street station. For example, on August 14, 2018, after a visit to the Poughkeepsie station, outreach workers drove directly back to the Harlem-125th Street station and spent the next two hours in the office, bypassing "routine," easily accessible stations on the return trip, including Peekskill, Croton-Harmon, and Wakefield. These three stations were specifically targeted for outreach in the Contract.
- In March 2018, May 2018, and July 2018, we identified seven shifts (five day shifts and two evening shifts) where the outreach workers remained at the Harlem-125th Street station for their entire shift and did limited outreach work.

In response, Metro-North officials advised us they do not have the resources to monitor outreach workers' activities on a "full-time basis" (e.g., following them from station to station). Furthermore, although Metro-North had not established any formal internal controls at the start of this Contract, they advised us that controls are being developed as they become more familiar with the operation. Metro-North officials also stated they were looking into different strategies

to better monitor the outreach workers, including gaining access to the GPS located inside the outreach workers' van. According to Metro-North officials, in April 2018, they began requiring BRC outreach workers to contact the Metro-North District Manager when they arrive at/depart from stations without ticket agents, and that outreach workers were required to sign in and out at stations with ticket agents. However, we found outreach workers were not always in compliance with these procedures. When we informed Metro-North, officials acknowledged this issue, stating they discussed it with BRC at their monthly meeting. Officials advised us that additional controls should be in place by the end of 2018 to ensure that Contract requirements are being met.

Recommendations

1. Develop and establish quantifiable performance measures for the Contract.
2. Ensure BRC's compliance with Contract provisions, including but not limited to:
 - Submitting expense invoices monthly, along with acceptable supporting documentation;
 - Providing the required outreach worker staffing levels;
 - Adhering to the schedule of required station visits; and
 - Ensuring outreach workers' clothing and vehicle have the required "MTA Metro-North Railroad Outreach Program" logo.
3. Where Metro-North has decided to modify required services, document these modifications.
4. Develop and establish internal controls to ensure that BRC's reported data is accurate and complete, and use the available data to make informed managerial decisions.
5. Assess requiring outreach workers to periodically visit each station and canvass station employees and vendors to ascertain whether homeless persons have been observed.
6. Monitor outreach workers to ensure they are providing a sufficient level of outreach services.

Audit Scope, Objectives, and Methodology

The audit objectives were to determine whether Metro-North has appropriate oversight and monitoring controls over its homeless outreach services Contract and whether Metro-North has met its goal in assisting homeless clients to appropriate shelters off Metro-North property. Our audit covered the period of June 16, 2017 to September 30, 2018.

To accomplish our objectives and assess the relevant internal controls related to Metro-North's monitoring of its homeless outreach services Contract, we interviewed key personnel from Metro-North and BRC. We also reviewed progress reports (e.g., Daily Reports, Monthly Reports) as well as available electronic data (e.g., HOP) to determine whether BRC was implementing the Contract according to the agreed-upon terms. We also reviewed the minutes from ten monthly meetings during the period September 2017 through July 2018 (Metro-North officials could not provide minutes for the June 2018 meeting). We conducted announced visits to Metro-North

stations to corroborate BRC's efforts and reported data. We also selected a judgmental sample of HOP data for comparison with Daily Reports to corroborate data accuracy. A judgmental sample by definition cannot be projected to the population.

To determine BRC's outreach worker staffing levels, we reviewed BRC outreach workers' time records for four judgmentally selected pay periods in 2017. We could not select time cards for 2018 because BRC did not provide these to Metro-North. The periods selected were September 16–29, 2017; October 14–27, 2017; October 28–November 10, 2017; and November 25–December 8, 2017.

We conducted our audit in accordance with generally accepted government auditing standards. These standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained during our audit provides a reasonable basis for our findings and conclusions based on our audit objectives.

In addition to being the State Auditor, the Comptroller performs certain other constitutionally and statutorily mandated duties as the chief fiscal officer of New York State. These include operating the State's accounting system; preparing the State's financial statements; and approving State contracts, refunds, and other payments. In addition, the Comptroller appoints members to certain boards, commissions, and public authorities, some of whom have minority voting rights. These duties may be considered management functions for purposes of evaluating organizational independence under generally accepted government auditing standards. In our opinion, these management functions do not affect our ability to conduct independent audits of program performance.

Authority

The audit was performed pursuant to Article X, Section 5 of the State Constitution and Section 2803 of the Public Authorities Law.

Reporting Requirements

We provided draft copies of this report to MTA officials for their review and formal comment. Their comments were considered in preparing this final report and are attached to it. In their response, MTA officials agreed with five of our six recommendations and acknowledged they have already taken steps as a result of our audit. Our response to certain MTA comments are included in the report's State Comptroller's Comments.

Within 90 days after the final release of this report, as required by Section 170 of the Executive Law, the Chairman of the Metropolitan Transportation Authority shall report to the Governor, the State Comptroller, and the leaders of the Legislature and fiscal committees advising what steps were taken to implement the recommendations contained herein, and where the recommendations were not implemented, the reasons why.

Contributors to This Report

Brian Reilly, Audit Director
Stephen Lynch, Audit Manager
Joseph Smith, Audit Supervisor
Trina Clarke, Examiner-in-Charge
Erik Dorfler, Staff Examiner
Jeffrey Herrmann, Staff Examiner
Steven Townsend, Staff Examiner
Mary McCoy, Supervising Editor

Division of State Government Accountability

Andrew A. SanFilippo, Executive Deputy Comptroller
518-474-4593, asanfilippo@osc.ny.gov

Tina Kim, Deputy Comptroller
518-473-3596, tkim@osc.ny.gov

Ken Shulman, Assistant Comptroller
518-473-0324, kshulman@osc.ny.gov

Vision

A team of accountability experts respected for providing information that decision makers value.

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To improve government operations by conducting independent audits, reviews, and evaluations of New York State and New York City taxpayer-financed programs.

Agency Comments

2 Broadway
New York, NY 10004
212 878-7000 Tel

Fernando Ferrer
Acting Chairman



Metropolitan Transportation Authority

State of New York

February 4, 2019

Mr. Brian Reilly
Audit Director
The Office of the State Comptroller
Division of State Government Accountability
110 State Street – 11th Floor
Albany, NY 12236-0001

Re: Draft Report #2018-S-36 (Homeless Outreach Program at the Metro-North Railroad)

Dear Mr. Reilly:

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

I have attached for your information the comments of Catherine Rinaldi, President, MTA Metro-North Railroad, which address this report.

Sincerely,

Fernando Ferrer

c: Veronique Hakim, MTA Managing Director
Michael J. Fucilli, Auditor General, MTA Audit Services

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

420 Lexington Avenue
New York, NY 10170
www.mta.info

Catherine A. Rinaldi
President



January 31, 2019

Mr. Fernando Ferrer
Acting Chairman
Metropolitan Transportation Authority
2 Broadway, 20th Floor
New York, NY 10004

RE: Response to the Office of the State Comptroller Draft Report of the Homeless Outreach Program at MNR - OSC #2018-S-36

Dear Chairman Ferrer:

The Office of the State Comptroller (OSC) audit team recently issued a draft audit of the MNR Homeless Outreach Program. This program is a partnership with the MTA and contracted through Bowery Residents' Committee (BRC), an organization that has been providing housing and treatment services to homeless adults in New York for many years with proven results. OSC has issued specific recommendations to MNR as a result of their audit.

MNR takes very seriously our commitment to our customers and to the communities we serve. As part of that commitment, we look to help those in the communities that need it most. This program is designed to help the homeless find shelter and services to provide some stability and safety in their lives. BRC has built valuable connections to many homeless shelters in the MNR service territory which allows for more successful placements and available options to the individuals they encounter at stations. This allows our stations to be safer for our customers and also helps those needing shelter and assistance. In the first year, BRC placed over 100 individuals in shelters and hospitals.

MNR agrees with all but one of OSC's recommendations. Among its key findings, OSC identified inaccuracies with the outreach data reported to MNR by BRC, and through observations, it also found BRC outreach workers spending much less than their full shift doing actual outreach work. The primary reason MNR contracted out homeless outreach services to a third party is that MNR's main focus is on safely running over 700 trains a day to serve its customers, and we do not have this type of social service expertise in-house. MNR has implemented several oversight procedures starting with increased daily communication between BRC and MNR management in order to improve BRC's performance. We have strengthened controls to improve BRC's productivity, increase accountability of station visits and verify the

MTA Metro-North Railroad is an agency of the Metropolitan Transportation Authority, State of New York
Fernando Ferrer, Acting Chairman

data we receive from them. MNR has detailed below the actions that have been taken, or will soon be taken.

Until August 2018, MNR was only receiving Daily, Weekly and Monthly reports from BRC. At this point, MNR asked for access to the HOP database to run reports, which is centralized at MTAHQ and run by MTAIT. Over the next few months, MNR, MTAHQ and MTAIT worked in conjunction to tailor the reporting from the HOP database to meet MNR's needs. The report needed to be presented to MNR in such a way to not include personal information so that MNR would not violate HIPAA regulations. MNR now has the ability to cross reference the HOP reports against the three reports provided by BRC to validate the data, including how much time BRC is spending at each station. Additionally, prior to the start of the audit MNR identified issues with the reports provided by BRC and wanted to ensure that BRC was going to the locations that were on the schedule. To correct this issue MNR implemented a process where the outreach teams have to sign-in and sign-out of stations either by reporting to the ticket office or contacting the District Manager assigned to the station. District Managers are now providing Weekly reports to MNR of where the BRC personnel spend their time.

Now that we have the processes in place as mentioned above, we have the ability to monitor the sign-in and sign-out data as well as the HOP reports to ensure that BRC is spending adequate time at a station. Any issues that we identify as part on this review process will be discussed with BRC in a timely fashion to ensure that corrective actions can be taken.

Recommendation 1:

Develop and establish quantifiable performance measures for the Contract.

MNR Response to Recommendation 1:

In-Progress. MNR has multiple controls in place to ensure that we are getting the services we are paying for. Examples are sign-ins and sign-outs at specific stations that have station personnel, coordination with District Managers by BRC representatives and validation of daily reports against the MTA database. We will review the current Homeless Outreach performance measures that have been established as best practices within the MTA. Once the review is completed, MNR will formulate specific performance measure enhancements working with Procurement and BRC for implementation.

Recommendation 2:

Ensure BRC's compliance with Contract provisions, including but not limited to:

- Submitting expense invoices monthly, along with acceptable supporting documentation;
- Providing the required outreach worker staffing levels;
- Adhering to the schedule of required station visits; and
- Ensuring outreach workers' clothing and vehicle have the required "MTA Metro-North Railroad Outreach Program" logo.

MNR Response to Recommendation 2:

MNR already complies with this recommendation. All 4 bullets were identified by MNR prior to this audit as areas of concern and MNR has been continually working to ensure compliance by the BRC with its contractual obligations.

If MNR does not receive appropriate documentation as required pursuant to the contract with BRC, MNR withholds payment. MNR has advised BRC that we are unable to receipt for the invoices that BRC has submitted due to ongoing issues with their documentation, and as a result, payments have been withheld. BRC is working on providing the appropriate documentation so that payments can be made.

MNR has been instructing BRC to notify MNR when staffing levels are below the contracted number and any deviations or changes are discussed in monthly meetings between MNR and BRC.

MNR will monitor the BRC schedule closely, make changes when necessary, and review the HOP report to ensure adequate time is spent at stations. Any issues that are found are being reported to BRC management immediately. In addition, we have directed BRC to note on their daily reports when any extra time is spent making a placement. We are fully aware that traffic, client engagement and assessment, placements, following up with MTA staff and MTAPD can all affect how much time BRC is able to spend in each station and the arrival at others. These items are all discussed at the monthly meetings as well.

MNR has communicated the program logo requirements to BRC and we expect BRC to be in full compliance within the next several weeks.

Recommendation 3:

Where Metro-North has decided to modify required services, document these modifications.

MNR Response to Recommendation 3:

MNR already complies with this recommendation. MNR has and will continue to document modifications to the services. Changes discussed at monthly meetings are documented in the meeting minutes and distributed to all parties. Any modifications that require contractual changes are done formally through the Procurement Department.

* Comment 1

Recommendation 4:

Develop and establish internal controls to ensure that BRC's reported data is accurate and complete, and use the available data to make informed managerial decisions.

MNR Response to Recommendation 4:

MNR already complies with this recommendation. Since the inception of the contract MNR has made informed decisions pertaining to station visits utilizing customer/employee complaints as well as BRC data. MNR will continue to closely monitor BRC data to ensure accuracy and that they are providing adequate services when at stations. We have already implemented procedures for BRC to ensure that they are reporting to District Managers and Ticket offices when they arrive and depart stations, as a form of control to ensure that the reported data is accurate.

* See State Comptroller's Comments, Page 26.

Recommendation 5:

Assess requiring outreach workers to periodically visit each station and canvass station employees and vendors to ascertain whether homeless persons have been observed.

MNR Response to Recommendation 5:

MNR does not agree with this recommendation. MNR has a responsibility to manage its resources prudently. It would be impractical to send BRC to stations that are not having issues with the homeless. Indeed, it would divert attention and resources from stations with known problems. We currently have the ability to adjust the schedule in real-time to handle actual complaints that are received from employees, customers and MTAPD. Vendors and station employees currently communicate with District Managers when issues arise at stations.

*
Comment
2

Recommendation 6:

Monitor outreach workers to ensure they are providing a sufficient level of outreach services.

MNR Response to Recommendation 6:

MNR already complies with this recommendation. MNR will continue to closely monitor BRC data to ensure accuracy and that they are providing adequate services when at stations. We have already implemented procedures for BRC to ensure they are reporting to District Managers and Ticket Offices when they arrive and depart stations. We will utilize the HOP Database report to better monitor BRC. We will also be implementing additional periodic internal audits and managerial reviews and will enlist the help of MTA Audit Services in evaluating BRC's performance as a follow-up to this OSC audit.

If you have any questions or need additional information, please contact me. Thank you.

Sincerely,



Catherine Rinaldi

cc: M. Fucilli
S. Doering
R. Gans
T. Mitchell
P. Diaz
N. Gilbertson
D. Jurgens

State Comptroller's Comments

1. MTA officials agreed with five of our six recommendations and acknowledged they have already taken certain steps as a result of our audit.
2. As stated on page 15 of our report, BRC and Metro-North officials may not be fully aware of the homeless activities at Metro-North stations, and we strongly believe that outreach workers' efforts should extend to those stations that were never visited or visited just once. During our audit, we observed a homeless person at one of the stations BRC outreach workers had never visited (Marble Hill). In addition, Metro-North employees and others (e.g., vendors) informed us of their observations of homeless individuals at two other stations that BRC outreach workers had never visited (Scarborough and Ardsley-on-Hudson).