



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

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JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

March 7, 2014

John Buyce, CPA, CIA, CGFM
Office of the State Comptroller
Division of State Government Accountability
110 State Street, 11th Floor
Albany, New York 12236-0001

Dear Mr. Buyce:

As required by Section 170 of the Executive Law, the New York State Department of Transportation (NYSDOT) is providing the following 90-day update on actions taken to implement the audit recommendations in the New York State Office of the State Comptroller's audit report entitled *Railroad Bridge Inspection Program*.

As indicated in NYSDOT's response to the draft report, the Federal Railroad Administration's (FRA) Final Rule, adopted on September 13, 2010, established new, more stringent, bridge safety regulations (49 CFR Part 237), which clearly established that the railroads are ultimately responsible for inspecting their own bridges and puts in place enforcement mechanisms for noncompliance. However, NYSDOT remains committed to public safety and continues to coordinate with the FRA in order to make certain that the railroad owners are ensuring the safety of the bridges on their lines.

Additionally, NYSDOT's enterprise asset management system will incorporate the Railroad Bridge Inspection and Inventory Database. The subsequent implementation of the system will enable NYSDOT staff to better review railroad bridge inspection and inventory data which will provide assurance that the railroad owners are ensuring the safety of the bridges on their lines.

Should you need further information, please contact Richard Marchione, Deputy Chief Engineer (Structures), at (518) 457-6827 or you may contact me directly at (518) 457-4422.

Sincerely,

A handwritten signature in black ink, appearing to read 'Phillip Eng'.

Phillip Eng, P.E.
Executive Deputy Commissioner

cc: Honorable Andrew M. Cuomo, Governor of the State of New York
Honorable Thomas P. DiNapoli State Comptroller
Honorable Jeffrey D. Klein Senate Majority Leader and President Pro Tempore
Honorable Dean G. Skelos, Senate Minority Leader
Honorable Sheldon Silver, Assembly Speaker
Honorable Joseph D. Morelle, Assembly Majority Leader
Honorable Brian Kolb, Assembly Minority Leader
Honorable John A. DeFrancisco, Chairman, Senate Finance Committee
Honorable Liz Krueger, Ranking Minority Member, Senate Finance Committee
Honorable Herman D. Farrell, Jr. Chairman, Assembly Ways and Means Committee
Honorable Robert C. Oaks, Ranking Minority Member, Assembly Ways & Means Committee
Robert L. Megna, Division of the Budget