

Memorandum



Metropolitan Transportation Authority

State of New York

Date July 31, 2014

To Thomas F. Prendergast, Chairman and Chief Executive Officer

From Carmen Bianco, President, NYC Transit *CB*
Darryl C. Irick, Senior Vice President, NYC Transit Department of Buses *DCI*
President, MTA Bus Company

Re NY State Comptroller Final Report 2012-S-12 Access-A-Ride Accident Claims

As required by Section 170 of the Executive Law, detailed below are NYC Transit's comments and updated actions that have been taken to address the recommendations contained in the Final Audit Report concerning Access-A-Ride Accident Claims.

As expressed to the audit team throughout the audit process, the safety of our customers is Paratransit's utmost priority. Paratransit has executed several initiatives in continuance of our ongoing efforts to enhance customer safety. During April and May 2014, Paratransit provided mandatory two-day training classes to Carrier supervisors responsible for responding to accidents and incidents. The curriculum included handling the initial notification of an incident from drivers, response protocols, photographing and diagramming accident scenes, reporting, and post-incident claims. The training also included several table-top scenarios. Participants were provided several incident scenarios and were required to evaluate these scenarios and discuss how they would respond.

Paratransit also instituted the Paratransit Accident and Incident/Road Calls System (PAIRS). PAIRS is an automated accident/incident reporting system. Carriers report accident/incidents into PAIRS, which ultimately serves as the repository for accident/incident information. The utilization of PAIRS was included in the previously discussed training.

Following are our specific responses to the report recommendations:

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."

Response: Paratransit has continued to remind Brokers of their responsibility to report accidents to Paratransit. An April 10, 2014, Paratransit letter to Brokers reinforced their contractual reporting obligations and delineated the information which must be compiled and immediately provided to Paratransit. Additionally, a summary of accidents/incidents must be provided to Paratransit with the monthly invoice. As indicated previously in our March 24, 2014, response to the Draft Report, "The black car service contracts reflect that black car services operated in a highly regulated industry under TLC jurisdiction."

This contract provision was established to ensure corrective actions are initiated for drivers involved in accidents and for Paratransit and the NYC Transit Law Department to be aware of any potential claims. It is worthy to stress again that Transit's black car service contract places all risk of liability in relation to the services provided on the contractor. It is also important to note that since entering into this agreement with black car service providers, Transit saves an estimated \$34 million per year.

Recommendation 2: "Maintain records of black car service accidents reported to the Paratransit Division and advise CSB (Claims Service Bureau) to notify Paratransit of black car service accidents it receives."

Response: As indicated in our response to Recommendation 1, Paratransit has continued to remind Brokers of their responsibility to report accidents to Paratransit. The summary of accidents/incidents which is provided to Paratransit with the monthly invoice is retained. Additionally, on May 30, 2014, Paratransit emailed the MTA Risk Insurance Management Group (RIM) to ensure that all non-dedicated claims were referred to NYC Transit Torts and to Paratransit.

Recommendation 3: "Ensure all carriers are in compliance with contract accident-reporting requirements."

Response: As indicated in our response to the Draft Report, it is Paratransit's desire for carriers to comply fully with contract accident reporting requirements. As previously noted, Paratransit instituted the Paratransit Accident and Incident/Road Calls System (PAIRS). PAIRS is an automated accident/incident reporting system. Carriers report accidents/incidents into PAIRS, which ultimately serves as the repository for accident/incident information. On March 31, 2014, Paratransit sent a letter to Carriers which delineated their responsibility to enter accident/incident information into PAIRS, to notify the Command Center Accident Hotline within one hour of the incident and provide as many details as possible, and to scan the Supervisor's Accident/Incident report, MV104, and photographs within 24 hours of the incident via PAIRS. Carrier entries into PAIRS are reviewed by the Paratransit Standards and Compliance Unit during their analysis of accidents. When accidents are deemed preventable, the Paratransit Contract Management Unit also reviews PAIRS entries during their assessment of liquidated damages from the carrier.

Recommendation 4: "Reconcile CSB and Paratransit listings of reported accidents/incidents on a weekly basis."

Response: Please refer to our response for Recommendation 3.

Recommendation 5: "Require carrier Road Supervisors to complete the property damage assessment and record the results in the carrier's records, including evidence that the accident has been reported to DMV where required."

Response: Please refer to our response for Recommendation 3.

Recommendation 6: "Issue accident reporting and damage estimating guidance to carriers and to other service providers to promote consistency and uniformity of approach."

Response: As previously indicated, during April and May 2014, Paratransit provided mandatory two-day training classes to Carrier supervisors responsible for responding to accidents and incidents.

The curriculum included handing the initial notification of an incident from drivers, response protocols, photographing and diagraming the accident scene, reporting, and post-incident claims. The training also included several table-top scenarios. Participants were provided several incident scenarios and were required to evaluate the situations and discuss how they would respond. Carriers were also trained in utilizing PAIRS.

Recommendation 7: "Investigate why the records of one carrier indicate untimely review of license abstracts, and require corrective action."

Response: After review, a credit for Performance Deficiency was assessed against the Carrier's April 2014 service billing for this occurrence.

Recommendation 8: "Ensure the carriers' drug and alcohol coordinators maintain the appropriate records, as required by the contract and federal regulations, including records that document the randomness of the selections process."

Response: On April 28, 2014, Paratransit sent a letter to Carriers which emphasized that drug and alcohol coordinators must be adequately trained and that they are required to maintain accurate and complete records for drug and alcohol testing, as required by contract and the FTA. Additionally, Carriers were reminded that they are subject to random inspections of the drug and alcohol testing methodology and records.

Recommendation 9: "Ensure that carriers' drug and alcohol coordinators are fully aware of the standards and consequences of positive test results, including the standards that requires employees with test results registering between 0.02 and 0.039 b.a.c. be relieved of their duties for 24 hours."

Response: Please refer to our response to Recommendation 8.

Recommendation 10: "Require carrier quality control officials to ensure that drivers are conducting their pre and post-trip inspections and that drivers sign the reports as required by NYSDOT regulations. Where required by contract or practice, quality control officials should indicate their review by signing the report."

Response: The April 28, 2014, letter to Carriers referenced in recommendation 8 also emphasized that Carriers must continue to monitor drivers' pre and post-vehicle inspections and require signatures of drivers and inspectors on all Operator Vehicle Condition Report (OVCR) inspection forms. The correspondence also specified that spot checks should be performed to ensure compliance with NYSDOT inspection practices.

Recommendation 11: "Require Paratransit officials to test compliance by spot checking the pre-trip and post-trip inspection practices of their carriers."

Response: As indicated in our response to the Draft Report, the Paratransit Standards and Compliance Unit performs monthly reviews of carrier Operator Vehicle Condition Reports.