



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

Division of State Government Accountability

Bus Driver Licensing

Metropolitan Transportation Authority



Report 2012-S-30

June 2013

Executive Summary

Purpose

To determine whether the Metropolitan Transportation Authority's bus drivers met the requirements of Article 19-A of the New York State Vehicle and Traffic Law. The audit covers bus drivers who worked in passenger service January 1, 2010 through April 25, 2012.

Background

The Metropolitan Transportation Authority (MTA) is a public benefit corporation providing transportation services in and around the New York City metropolitan area. The MTA has seven operating constituent agencies; two of them (MTA Bus 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 5,600 buses operating out of 28 depots.

Article 19-A of the New York State Vehicle and Traffic Law 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 in order to obtain and retain the ability to operate a bus carrying passengers. RBO's Safety and Training Division is responsible for scheduling and ensuring that these requirements are met, and must maintain the records documenting driver compliance.

Key Findings

- The majority of the MTA bus drivers we sampled met the requirements of Article 19-A of the New York State Vehicle and Traffic Law.
- Of 142 drivers sampled, RBO allowed seven who did not meet Article 19-A requirements to drive buses transporting an estimated 8,400 passengers on a total of 38 days.
- Safety and Training Division files did not always contain complete medical records.

Key Recommendations

- 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.
- 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.

Other Related Audits/Reports of Interest

[Department of Motor Vehicles: Bus Driver Licensing and Oversight \(2005-S-53\)](#)

[Department of Motor Vehicles: Issuance of Commercial Driver's Licenses \(2007-S-96\)](#)

[Department of Motor Vehicles: Bus Driver Licensing and Oversight \(2008-F-51\)](#)

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

Division of State Government Accountability

June 13, 2013

Mr. Fernando Ferrer
Acting Chairman
Metropolitan Transportation Authority
347 Madison Avenue
New York, NY 10017

Dear Mr. Ferrer:

The Office of the State Comptroller is committed to helping State agencies, public authorities and local government agencies manage government resources efficiently and effectively and, by so doing, providing accountability for 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 of the Metropolitan Transportation Authority entitled *Bus Driver Licensing*. 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 report, please feel free to contact us.

Respectfully submitted,

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

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Background

The Metropolitan Transportation Authority 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 seven 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 5,600 buses operating out of 28 depots. Its buses serve an average of 2.5 million commuters each day. According to RBO records, 13,643 drivers were active in passenger service from January 2010 to April 25, 2012. 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 in order 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 12 months, 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.

The Safety and Training Division uses an electronic Article 19-A monitoring system to track certification dates and details for drivers. The Article 19-A system is used to schedule drivers for certifications and is periodically referenced to identify drivers who are out of compliance. Depot dispatchers can access the Article 19-A system to determine whether a driver is in compliance before being scheduled to drive a bus in passenger service.

Medical examination dates are initially recorded on the MTA's Unified Timekeeping System (UTS), and the Article 19-A system is updated when the completed medical forms are received and filed by the Safety and Training Division.

Audit Findings and Recommendations

Our audit found that the majority of MTA bus drivers we sampled met the requirements of Article 19-A of the New York State Vehicle and Traffic Law. However, we found some drivers did not always meet the requirements of Article 19-A and were allowed to drive a bus carrying passengers after having lapsed on certification requirements. In addition, we found that the Safety and Training Division did not always maintain complete certification records, and that outdated medical forms were used to certify drivers.

Article 19-A Compliance

We determined that of 142 drivers sampled, 25 did not meet the requirements of Article 19-A. Moreover, RBO allowed seven of them to drive a bus carrying passengers. Of these seven drivers, certification records showed that three were neither interviewed nor had completed the annually-required observation ride by the required date, and three did not have a medical exam done timely. In total, these seven bus drivers had serviced passengers on 38 days, and we estimated that, they transported 8,400 passengers on the buses without having met safety requirements.

According to depot trip sheet records, six drivers worked in passenger service on a total of 24 days without having completed Article 19-A requirements. The remaining driver worked in passenger service after having lapsed on Article 19-A certification requirements on two separate occasions. The first occasion was in August 2011 and the second was in August 2012. Our review of depot trip sheets found that this driver drove a bus in passenger service on 13 days in August 2011 without having had the required annual interview. The same driver worked in passenger service on August 1, 2012 without having been medically cleared to do so.

Of the remaining 18 drivers, 10 lapsed on their Article 19-A certification and were not removed from the roster within the required ten-day timeframe. In fact, one of the 10 drivers remained on the roster for more than eight months after having lapsed on the requirements of Article 19-A. The other eight drivers were either recertified or dropped from the roster within 10 days of their certification lapse. None of those drivers were operating during the period of their lapsed compliance.

Although the Article 19-A system tracks driver certification history, it does not identify drivers that are out of compliance until after the certification period has lapsed. Therefore, the potential exists for drivers to be scheduled for and to work in passenger service without having met the requirements of Article 19-A. In addition, Safety and Training officials explained that because there are so many drivers who must be certified, many with unique schedules, it can be hard to make training and testing arrangements. They added that this is particularly true when a driver is absent for an extended period of time and/or failed to attend a previously scheduled training session. The medical examination forms were missing from four of the 142 files reviewed. Moreover, documenting compliance can sometimes be a problem. According to UTS, the four drivers completed their certification on time even though the documents were not in their files.

Safety and Training officials subsequently obtained the documents from the medical facilities to confirm the dates on UTS. However, DMV regulations require the original medical report be present in the driver's Article 19-A folder, without exception.

Medical examinations are administered off-site and the completed records are sent to the Safety and Training facility for filing. The documents are filed when they are received, but there is no formal process to ensure that all of the forms are received and filed. Such original medical records documentation is essential for RBO officials to have on file to assure bus drivers are properly certified. Our review of files for the sampled drivers showed that overall, physicians were using outdated forms. According to Safety and Training officials, RBO continued to provide the outdated forms because in the past year the form was changed often and it is time consuming for physicians to learn the new format. However, the new form requires that physicians include their license number and sign off that the medical examination done by certain persons, e.g., physician assistant, was supervised by a licensed physician. Without this detail, RBO officials cannot easily ensure that each examination was done by or supervised by a licensed physician.

Recommendations

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

Department of Motor Vehicles Agreement

DMV allows RBO to certify its drivers anytime within the driver's birth month, affording RBO some latitude within the annual or biennial requirements. Safety and Training officials indicated that this has been the practice for some time, but it was not supported in writing. Therefore it is not possible to be assured that this latitude was officially authorized for all of the period covered by our audit scope. In response to our request for a written agreement, Safety and Training officials obtained a memorandum of understanding from the DMV effective June 27, 2012; two months after we began the audit.

Recommendation

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

Audit Scope and Methodology

We audited the MTA's Article 19-A certification practices for the period January 1, 2010 through August 31, 2012. Our audit objective was to determine whether MTA bus drivers met the requirements of Article 19-A of the Vehicle and Traffic Law.

To accomplish our objective, we met with MTA officials to gain an understanding of their policies and procedures for certifying drivers to meet the requirements of Article 19-A. We randomly selected 142 drivers who were active in passenger service from January 1, 2010 through April 25, 2012 and reviewed Article 19-A certification records for these drivers through August 31, 2012. To determine whether drivers had actually driven in passenger service without having met the requirements of Article 19-A, we visited 13 depots and reviewed trip sheet records during certification lapse periods.

We conducted our performance audit in accordance with generally accepted government auditing standards. Those 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 objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

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 the purposes of evaluating organizational independence under generally accepted government auditing standards. In our opinion, these functions do not affect our ability to conduct independent audits of program performance.

Authority

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.

Reporting Requirements

We provided a draft copy of this report to MTA officials for their review and comment. MTA officials agreed with our recommendations and have taken actions to implement them. Their comments were considered in preparing this final report and are included in their entirety at the end of this report.

Within 90 days after 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 recommendations were not implemented, the reasons why.

Contributors to This Report

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Vision

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

Mission

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

Agency Comments

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Metropolitan Transportation Authority
State of New York

April 25, 2013

Ms. Carmen Maldonado
Audit Director
The Office of the State Comptroller
Division of State Government Accountability
123 William Street – 21st Floor
New York, NY 10038

Re: Draft Report #2012-S-30 (Bus Driver Licensing)

Dear Ms. Maldonado:

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 Darryl C. Irick, Senior Vice President, NYC Transit Department of Buses and President, MTA Bus Company, which address this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Fernando Ferrer".

Fernando Ferrer
Acting Chairman

Attachment

Memorandum



Metropolitan Transportation Authority

State of New York

Date April 24, 2013
To Fernando Ferrer, Acting Chairman
From Darryl C. Irick, Senior Vice President, NYC Transit Department of Buses
 President, MTA Bus Company
Re New York State Comptroller Report 2012-S-30 Bus Driver Licensing

Our comments on New York State Comptroller Report 2012-S-30, entitled "Bus Driver Licensing," are as follows:

Recommendation 1: *"Ensure that all drivers have met the requirements of Article 19A, and instruct depot superintendents that no driver can operate a bus in passenger service if the requirements are not met."*

Response: We reviewed the 19A records in UTS to ensure that bus operators were certified within the required time frame (as described in the response to recommendation 4). We have also reminded depot supervision to enforce all Article 19A requirements.

Recommendation 2: *"Monitor completed medical examination dates on the Unified Timekeeping System and develop a method of ensuring the completed medical records have been appropriately sent to, reviewed and filed at the training facility."*

Response: We have modified our Unified Timekeeping System (UTS) to establish the schedule date for upcoming 19A medical examinations as 729 days (i.e., less than 2 years) following the employee's last date of examination, rather than based on the employee's date of birth. Management regularly monitors outstanding medical examinations using UTS reports, and performs audits of the medical files to ensure they are complete.

Recommendation 3: *"Provide physicians with updated medical certification forms to comply with Article 19A requirements."*

Response: As we advised the auditors, physicians access the medical certification form through our online system, Medgate. When the form was first revised, NYS Department of Motor Vehicles (DMV) advised us that we should not yet perform the programming to implement the new form online, because the form was subject to further change.

Following a meeting in January 2013, NYS DMV advised us that the form was now final, and we could proceed with implementing it online. We committed to NYS DMV that we will complete the programming to make the new form available online to physicians no later than the beginning of our next compliance year (July 1, 2013).

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Recommendation 4: "Ensure that any standards pursuant to the requirements of Article 19-A be committed to writing in a timely manner."

Response: As noted in the report, we already obtained a memorandum of understanding from the NYS DMV to confirm long-standing practice regarding the timing of 19A certifications (i.e., within the employee's birth month). We will ensure that any future standards are committed to writing in a timely manner.

We appreciate the opportunity to comment on the draft audit report.