



THE NEW YORK CITY TRANSIT DEPARTMENT OF SUBWAY'S EMERGENCY RESPONSE OFFICER PROGRAM: MAKING IT STRONG IN TRANSITION AND BEYOND

Barry L. Kluger
MTA Inspector General
State of New York

OVERVIEW

For many years, first responders in New York City complained about the inadequate representation and poor communication by New York City Transit (NYC Transit) in response to emergencies. A fire in a Brooklyn subway tunnel in 2006, during which NYC Transit had no liaison on the scene for more than one hour, brought the problem to a head. A follow-up report by NYC Transit's safety department strongly recommended changes in the way NYC Transit handled emergencies, including the formation of a dedicated response team.

Thereafter, NYC Transit created the Rapid Transit Emergency Response Unit. The unit officially began operations in March 2008, with seven superintendents dedicated to the emergency response officer (ERO) function.

One year later, in March 2009, NYC Transit eliminated this unit and returned, in modified form, to the rotating emergency response model that existed before the unit's formation. In an article published by the New York Times (The Times) on June 12, 2009, NYC Transit President Howard H. Roberts Jr. explained that eliminating the unit was part of an effort to reorganize subway management and cut costs, and had not affected safety. According to the article, President Roberts plans to reconfigure the system again when the reorganization is completed and he acknowledged that "In hindsight, the thing to do would have been to keep the unit in place as it was" until the reorganization was complete.

As to the plan currently in place, the ERO function is being rotated among superintendents and deputy superintendents who have extensive subway operation experience. For better or worse, a number of these officials performed ERO duty under the system in place before the formation of the dedicated unit. The Times article reported, however, that the officials said they had received no additional training and were not given written guidelines to refresh their understanding of the emergency response duties.

On June 9, three days before the publication of The Times article, NYC Transit issued a new bulletin regarding the duties of the ERO. Nine days later, NYC Transit superseded this bulletin.

On June 16, four days after the publication of the article and based on the disturbing issues it raised, a team from the Office of the MTA Inspector General (OIG) commenced a review of the current state of readiness of NYC Transit's emergency response function.

By way of review, we interviewed senior personnel in NYC Transit's Office of System Safety, Human Resource's staff involved in emergency training, EROs formerly assigned to the dedicated unit, managers responsible for ERO unit operations, and four of the five new Group General Managers. We also examined relevant NYC Transit policies and procedures.

On September 8, upon completion of our review, we provided our preliminary report to President Roberts. We expressed concern that NYC Transit's emergency response function was still in an interim status, not fully developed and ready to operate within the new Line Group Management program for the Department of Subways (Subways).

We also found that many operational issues remained regarding how the emergency response function would be folded into the new organizational structure. Without a well-integrated program, NYC Transit risks a return to problems that plagued its response system in the past, namely poor response times, inadequately trained and equipped responders, and responders not properly performing their roles and fulfilling their responsibilities as Emergency Response Officers.

Further, without adequate planning for emergency operations within the newly reorganized structure of Subways, there is a risk that coordination and communication between the EROs and senior management will break down during incidents that occur before NYC Transit develops and implements appropriate policies and procedures.

In essence, our findings described the need for clarification of NYC Transit's emergency response function regarding the role of the ERO; training; communication; proximity response; continuity of knowledge; reporting for duty; and equipment. We also recommended that NYC Transit designate an emergency response coordinator to properly guide and facilitate the planning and implementation of emergency response activities through the reorganization of Subways.

President Roberts responded to our preliminary report in a letter dated October 1, with an attached bulletin postdated October 5. This Bulletin and NYC Transit's response letter provided needed clarification to address most of the OIG's concerns outlined in our preliminary report and in meetings and discussions with NYC Transit officials:

- Role and function of ERO: Clarified that the "key role" of the ERO is to be the "eyes and ears" of the Rail Control Center (RCC) and to act as the primary NYC Transit point of contact for any responding outside agencies.
- Training: Clarified training that EROs must have, and the managerial responsibility for ensuring that all EROs have such training.

- Communications and Proximity to Response: Clarified that the RCC will dispatch EROs based on proximity and without going through the Group General Managers.
- Equipment and Reporting to Duty: Clarified the nature and availability of vehicles and necessary equipment.

However, President Roberts rejected as unnecessary our recommendation that NYC Transit designate an emergency response coordinator. For the reasons that follow, we stand firmly behind this recommendation.

The emergency response function is absolutely critical to overall system safety and the protection of riders, employees and first responders. By the same token, emergency response is a complex function that involves not only the immediate reaction of an organization to a live situation, but also continuous training, planning, pre-incident coordination and post-incident review of emergency responses to ensure clarity and appropriate adaptability of function and to develop and share best practices and lessons learned. These complexities help explain why management of this function has proved so difficult for most of the last two decades, and strongly suggest that the problems of the past may well recur amidst the inevitable growing pains and additional complexities of the reorganization of the Department of Subways. While one might debate the “necessity” of designating a coordinator, given the foregoing – and that the designation of a coordinator is a safety issue – we choose to err on the side of caution.

Indeed, it seems clear to us that at least during this time of fundamental, structural change into a line group management program, an emergency response coordinator, functioning as an overarching single point of contact, with appropriate authority and accountability, will help to harmonize the value of decentralized operation with the benefits of centralized oversight.

BACKGROUND

At least as early as 1990,¹ the New York City Fire Department, the New York City Police Department and the New York City Office of Emergency Management (the First Responders) complained that a lack of proper representation and communication by NYC Transit at numerous emergencies contributed to the length and severity of the incidents.

In 1996, to address the problem, NYC Transit established the ERO program and assigned senior transportation personnel as an additional duty on a rotating basis, with one ERO designated

¹ A memo from Cheryl Kennedy, Vice President, Office of System Safety, to Steve Feil, Senior Vice President, Department of Subways, dated December 24, 2008, entitled “Dedicated Emergency Response Officer (ERO) Program” contained an attachment entitled “History of NYC Transit RTO Representation at Incident Command Post for Subway Incidents.” This history revealed problems “[g]oing back as far as the Clark Street fire, on December 28, 1990.”

system-wide for each work shift. As originally conceived, a designated ERO was dispatched to the scene of an emergency situation to help manage the incident and to act as a liaison with the First Responders. Nevertheless, the First Responders continued to complain about poor representation and communication by NYC Transit.

In August 2006, a fire in a subway tunnel near DeKalb Avenue in Brooklyn caused injuries to some firefighters and customers, and service on two subway lines was suspended for about three hours. During the incident communication problems abounded, with firefighters conducting an evacuation of a train not knowing that the third rail remained electrified, and unaware, while walking around on the tracks, that the NYC Transit Rail Command Center was about to move the train back out of the smoke.

A subsequent investigation and report by NYC Transit's Office of System Safety (the Safety Report)² noted that the ERO did not arrive on the scene until more than an hour after the fire started, leaving the command post established at the incident without a NYC Transit presence. The Safety Report strongly recommended changes in the way NYCT handled emergencies, including the formation of a dedicated response team.

The New York State Public Transportation Safety Board supported the recommendation that a team be formed. Thereafter, NYCT created the Rapid Transit Emergency Response Unit. The unit officially began operations in March 2008, with seven Superintendents dedicated to the ERO function. This unit covered all shifts (24/7), with one to three unit employees on duty at any given time.

The members of the unit received enhanced training that included incident management classes, instruction on the operations of trains, basic track maintenance and using emergency exit tools. The unit also developed its own policies and procedures manual.

The EROs in this unit responded to incidents either when requested to do so by the RCC or on their own initiative when receiving reports of incidents on their radios. According to RCC officials and former members of the unit, these EROs developed specific expertise in emergency response. Centrally positioned for fast responses, EROs were provided with a vehicle with lights and siren and were given specialized equipment, including radios with police and fire frequencies, tools to open subway emergency exits, and identifying hats and jackets.

In March 2009, NYC Transit eliminated this unit. The Department of Subways returned to a rotating ERO model, reporting to the RCC, but with more EROs per shift. The rotation is among superintendents and deputy superintendents from the Transportation Department who have extensive subway operation experience.

² "Office of System Safety, Report, Fire North of DeKalb Avenue Station, August 16, 2006," dated December 20, 2006.

NYC Transit officials have told OIG that decentralizing the ERO function was primarily a cost-cutting measure, but one consistent with the planned reorganization of Subways. These officials also expressed to us their confidence that effective emergency response can be achieved in the new decentralized system, given the significant training provided in recent years and the experience NYC Transit gained through past EROs. However, the pressing question now is not whether effective emergency response can be achieved over the long run in the new decentralized system, but how best to assure that emergency response is as effective as possible through the transition to decentralization and beyond. We believe that the emergency response coordinator helps provide that assurance.

REORGANIZATION OF THE DEPARTMENT OF SUBWAYS

As planned by NYC Transit, the new Subways organization will consist of five line groups:

- IRT East (Lines 4, 5, 6, and the Times Square Shuttle);
- IRT West (Lines 1, 2, 3, and 7);
- IND (Lines E, F, V, G and R);
- BMT (Lines B, Q, D, N, W, and the Franklin Shuttle); and
- IND/BMT (Lines A, C, L, J, M, Z).

Each of these five line groups will have a Group General Manager responsible for all aspects of service and will act, in many ways, as a separate railroad. The Group General Managers will be responsible for all personnel and resources needed to operate their lines, including transportation service, track maintenance, station operations, and car maintenance divisions. Group General Managers will also designate Group EROs, totaling five, for each shift.

Several years prior to the reorganization plan, NYC Transit issued Policy Instruction 10.32.3: Procedure for Response to NYCTA Rapid Transit Emergencies, issued May 16, 2002 (Policy Instruction). The Policy Instruction, which is still in force, provides the following specifics about the role of the ERO:

- An ERO is an RTO superintendent who is responsible for responding to all NYC Transit Department of Subways emergencies.
- He/she will report to an incident Command Post where he/she will be in charge of all Subways activities.
- The Subway Control Center, now the RCC, is responsible for dispatching the ERO to the scene of the emergency, and notifying the ERO of the Incident Command Post's location.
- The ERO will wear an ERO black jacket; be assigned a vehicle; and be equipped with an Office of Emergency Management portable radio and a cellular telephone.

- The ERO will keep the NYC Transit Command Post fully informed of all operations and activities by the participating agencies at street level.

The new Line Group organization will require adjustments to how NYC Transit now performs many functions, including emergency response. To a certain extent, NYC Transit began to address how emergency response will work under the new organization with RTO Bulletin No. 95-09, dated June 18, 2009.³ This Bulletin states:

With the completion of the reorganization, Emergency Response will be the responsibility of the Group General Manager organizations. Upon notification of an incident, Group and Line management will be responsible for dispatching a manager to the Incident Command Post to represent NYCT for the duration of the incident. The manager will be in communication with the managers from his/her group and the RCC regarding delay management.

RTO Bulletin 95-09 addressed the duties of Emergency Response Officers including reporting for duty, staying in contact with the RCC throughout his/her shift, responding to emergencies immediately when notified, conduct at an incident command post, and certain responsibilities regarding an emergency vehicle. The bulletin was intended to provide guidance for the interim period between the disbanding of the dedicated ERO Unit and the commencement of operations under the reorganization.

While this Bulletin provides some high-level policy guidance, it does not provide specific implementation details. Transit managers are inundated right now with broad issues and specific details regarding the reorganization, but made a point to assure us that the implementation of emergency response will be worked out over time as the reorganization takes shape. These comments do not alleviate our concerns.

NYC Transit needs to have in place a well-conceived emergency response program, with basic standards and operating procedures, including training, in order for the program to function well under the new organizational structure. The establishment and implementation of this emergency response program must be made a top priority, not left to be worked out “over time.”

³ NYC Transit superseded RTO Bulletin 95-09 (which had superseded No. 90-09, dated June 9) with RTO Bulletin 116-09, dated August 20, 2009. While NYC Transit issued this latter bulletin in the course of our review, we were not provided with a copy at that time. The main difference between the bulletins is that 95-09 directed EROs to report to the RCC at the start of their shift, while 116-09 required that EROs *call* the RCC Communication Desk at the start of their shift, rather than actually reporting to the RCC. The later bulletin has itself been superseded by RTO Bulletin 141-09, dated October 5.

In the pages that follow we raise implementation issues uncovered during our review of NYC Transit's emergency response procedures. These issues reflect risks that might lead NYC Transit back to poor emergency responses (similar to pre-2006), and jeopardize the safety of riders. We urge that these issues be addressed immediately.

FINDINGS

We found from our interviews with NYC Transit officials and review of relevant NYC Transit documents, that there are several points where NYC Transit lacks clarity related to how ERO duties should be carried out under the new line group structure that Subways is adopting. Specifically, we found that:

- The four out of five Group General Managers we interviewed do not appear to be entirely clear and consistent on all aspects of the ERO function (Management Understanding section).
- The Policy Instruction and Bulletin are silent on what training is required of EROs, and management is unclear how it will assure that all EROs receive this training (Training section).
- With the reorganization, communication channels will change and it is unclear how this change will affect the role of the ERO (Communications Protocol section).
- With a total of five EROs instead of one on each shift, NYC Transit has not defined how responses will be coordinated between the EROs to ensure the most effective emergency response (Proximity Response section).
- NYC Transit is missing an opportunity to strengthen its ERO program by dropping valuable and still-applicable parts of the old dedicated ERO unit's operational directive (Continuity of Knowledge section).
- NYC Transit has not established a clear protocol for the five EROs of the line group structure as to reporting for duty at the beginning of their shifts (Reporting for Duty section).
- It is unclear how NYC Transit will reconcile ERO equipment requirements outlined in the Policy Instruction and Bulletin, with the limited amount of equipment currently available (Equipment section).

Management Understanding of ERO

Group General Managers need to be clear and consistent as to the function of the ERO. For example, these managers differed on the fundamental issue of whether the responding ERO should directly provide the on-site NYC Transit response or should only act as a liaison between internal units and external agencies. Certainly, different expectations by managers will create inconsistent approaches and resulting confusion during an actual emergency. It is incumbent

upon NYC Transit to clarify the role and function of the ERO for all line groups. Such clarity would also provide a framework for determining what training is required for those serving as EROs.

Training

The EROs assigned to the former dedicated ERO Unit, as well as the senior transportation officials currently performing the ERO function, received National Incident Management System (NIMS) training. NIMS emphasizes the need to respond in a timely manner; to know how to interact with internal managers as well as with external incident commanders and liaisons; and to appreciate the importance of remaining at the incident command post to facilitate communication and coordination. Additionally, members of the Unit pursued enhanced training in other areas of train and track operations.

Once again, however, our interviews with the Group General Managers and other NYC Transit executives revealed that there is no clear understanding as to what training EROs should now receive. The Group General Managers all agreed that anyone filling the ERO role should receive at least the First Line, Single Resource and Field Supervisor level of NIMS.⁴ However, there is currently no agreement by these managers as to what, if any, enhanced training EROs should receive beyond these levels. Having specific standards for training for those who will serve as EROs in the future is critical, especially since this responsibility may fall on other than the senior transportation officials, including line group personnel who are less familiar with transit operations.

Once training standards are established, NYC Transit managers need to ensure that anyone assigned as an ERO has completed that training. NYC Transit will need a process for assuring this training because, as noted, EROs will not necessarily be assigned from the experienced transportation operations people who currently fill this role. Some senior transportation managers interviewed stated that as the subway reorganization progresses, employees from other disciplines (*e.g.* maintenance, stations, etc.) will be assigned to the ERO role. Clearly, non-transportation employees in particular will be less prepared to respond to emergencies unless NYC Transit ensures that those filling ERO positions complete all necessary requirements.

Communications Protocol

Currently, emergency response is directed from the Rail Control Center. According to RTO Bulletin 95-09, EROs report to the RCC at the beginning of their shifts and the RCC notifies the ERO that he/she should report to an incident command post. The RCC monitors the emergency response situation, and communicates directly with the ERO about train operations and other important issues.

⁴ These NIMS training standards are set forth in a July 30, 2009, memo from System Safety to Subways.

Since the bulletin does not establish channels of communication explicitly under the line group organization, the following important responsibilities remain open questions:⁵

- Who will initiate the engagement of the ERO?
- Will RCC notify the Group General Manager, or will the RCC notify the ERO directly?
- Once initiated, who will lead the management of the ERO's response?
- Will the Group General Manager add an extra layer of communication between the RCC, or will there be direct communication between the RCC and the ERO as in the past?

Certainly, lack of clear procedures under the new organization will result in confusion and poor emergency response if, for example, the line group management thinks the RCC is handling an emergency, and RCC believes the opposite. Therefore, NYC Transit must promptly clarify the communication protocols to be followed under the line group organization.

Proximity Response

The procedures in RTO Bulletin 95-09, let alone those in the much older Policy Instruction, do not address coordination among the five EROs for efficient response to emergencies as these documents were written before the reorganization was finalized. Complicating the coordination issue is that EROs are no longer centrally located. Now, with one ERO assigned for each line group on every shift (instead of a single ERO for the entire subway system), it is unclear how responses will be coordinated between the groups to ensure the most effective emergency response. For example, if an incident occurs on one subway line and an ERO from a different group is closer to the incident scene and could provide a faster response, will emergency response be dictated by proximity or strictly on a line group basis?

Continuity of Knowledge

When NYCT formed the dedicated Unit in 2008, this Unit produced an operational directive to guide EROs in their duties. While based on the Policy Instruction, it included greater details on how to:

- Communicate about emergencies.
- Coordinate with various entities including RCC, as well as the police and fire departments.
 - Minimize passenger panic.

⁵ Although Bulletin 116-09 superseded Bulletin 95-09 as discussed in footnote 3, that change did not address these questions.

- Request and confirm “power off” status of subway electrification.

However, RTO Bulletin 95-09 does not make specific reference to the Policy Instruction, nor does it include valuable and still-applicable parts of the now-disbanded ERO unit’s operational directive. To retain the value added by the Unit, NYC Transit should make sure that the knowledge advanced by that Unit is incorporated into all bulletins, policy instructions and other directives governing EROs.

Reporting for Duty Procedures

RTO Bulletin 95-09 instructed EROs to report to the RCC at the beginning of their shifts to pick up their equipment and vehicle, and communicate with RCC staff. This was the procedure followed by the dedicated ERO Unit.

However, at some point Subways diverged from this procedure and allowed EROs to call into the RCC at the beginning of their shifts, rather than appearing in person. Notably, when we discussed this divergence with the Group General Managers there was uncertainty as to appropriate procedure to be followed under the reorganization.

Equipment

The Policy Instruction states that the ERO should be equipped with a radio that communicates with outside agencies and be given an ERO jacket. The ERO is also to be assigned a vehicle. RTO Bulletin 95-09 requires the ERO to use Subways’ ERO vehicle, which has lights and siren, and to pick up an emergency response bag. Though the bulletin does not describe the contents of the bag, we have ascertained that it contains specialized ERO equipment such as tools for opening emergency exits, special radios for communicating with fire and police, as well as jackets and hats that identify EROs. Currently, there are only two bags and one ERO vehicle available. While we interviewed key NYC Transit officials and reviewed written documentation, we could not ascertain how NYC Transit – with two emergency response bags and one ERO vehicle – could meet the equipment needs of the five EROs on duty.

Since providing EROs with the proper resources is vital to ensuring rapid response and clear communication while engaged at an incident command post, it is critical that NYC Transit be explicit about how essential resources will be timely distributed to ensure that EROs are fully equipped when carrying out their duties.

RECOMMENDATION

To help ensure an appropriate and timely emergency response, OIG recommends that NYC Transit designate an emergency response coordinator to properly guide and facilitate the planning and implementation of emergency response activities through the reorganization of Subways.

This coordinator, in consultation with managers and upon review of best practices and lessons learned, should oversee the following:

- Clarification of the role and function of the ERO.
- Establishment of and compliance with appropriate training requirements.
- Establishment of communication protocols beginning with notification of the emergency.
- Determination of equipment requirements and ensuring that all EROs are appropriately equipped for emergency situations.

NYC TRANSIT RESPONSE AND OIG COMMENTS

After receiving the OIG's report on September 9, 2009, NYC Transit issued a new RTO Bulletin, No. 141-09, dated October 5, 2009. This Bulletin and NYC Transit's response letter address most of the OIG's concerns outlined in our preliminary report and in meetings and discussions with NYC Transit officials:

- *Role and function of ERO: Clarified that the "key role" of the ERO is to be the "RCC's eyes and ears" and to act as the primary NYC Transit point of contact for any responding outside agencies; the ERO is not a first responder.*
- *Training: Clarified that EROs must have NIMS training, and that it is the responsibility of the manager in charge of developing the ERO roster to ensure that all EROs have such training.*
- *Communications and Proximity to Response: Clarified that the RCC dispatches EROs without going through the Group General Managers. The RCC determines which ERO to call based on the ERO's proximity to the incident; the determination is not to be made based on the ERO's assigned line group.*
- *Equipment and Reporting to Duty: The operative RTO Bulletin (now 141-09) has been revised to reflect the mandate that a vehicle within each line group will be assigned to the ERO on each tour. The Bulletin also specifies the equipment that each ERO must have. EROs beginning their shift are directed to meet with the EROs leaving their shift for the hand-off of vehicles and equipment.*

NYC Transit did not accept OIG's recommendation that NYC Transit designate an emergency response coordinator. In his letter President Roberts stated that:

NYC Transit does not agree that an emergency response coordinator is required to ensure effective administration of the program. As previously stated, the Bulletin [RTO Bulletin 141-09] has been updated to provide clarification regarding the recommendations on training, communication

and equipment. We believe the RCC can manage emergency response as part of the day-to-day operation of the system.

While the OIG does not doubt that the RCC can manage the day-to-day operations, we reaffirm our recommendation based our continuing belief that having an emergency response coordinator would benefit the riders and NYC Transit.

The emergency response function is absolutely critical to overall system safety and the protection of riders, employees and first responders. By the same token, emergency response is a complex function that involves not only the immediate reaction of an organization to a live situation, but also continuous training, planning, pre-incident coordination and post-incident review of emergency responses to ensure clarity and appropriate adaptability of function and to develop and share best practices and lessons learned. These complexities help explain why management of this function has proved so difficult for most of the last two decades, and strongly suggest that the problems of the past will recur amidst the inevitable growing pains and additional complexities of the reorganization of the Department of Subways. While one might debate whether the designation of a coordinator is “required” to ensure that the emergency response program is effective, given the foregoing – and that the designation of a coordinator is a safety issue – we choose to err on the side of caution.

Indeed, it seems clear to us that at least during this time of fundamental, structural change into a line group management program, an emergency response coordinator, functioning as an overarching single point of contact, with appropriate authority and accountability, will help to harmonize the value of decentralized operation with the benefits of centralized oversight.