



Barry L. Kluger
Inspector General

Office of the Inspector General
Metropolitan Transportation Authority
Two Penn Plaza, 5th Floor
New York, New York 10121
212-878-0000

July 19, 2018

Catherine Rinaldi
President
MTA Metro North Railroad
420 Lexington Avenue, 11th Floor
New York, NY 10170

**Re: Vehicle Idling at
Metro-North Railroad
MTA/OIG #2018-15**

Dear Ms. Rinaldi:

In 2012, the Office of the MTA Inspector General (OIG) issued a report entitled *Excessive Idling of Highway Vehicles at Long Island Rail Road and Metro-North Railroad* (OIG #2012-06). Our report examined how Long Island Rail Road (LIRR) and Metro-North Railroad (MNR) were managing idling within their respective highway fleets and recommended improvements.

As part of the 2012 study, we analyzed idling data from the 15 vehicles in MNR's Engineering non-revenue fleet that were subject to New York State idling regulations, and which were participating in a MNR pilot program regarding idling management. We estimated that this group of MNR vehicles idled illegally for an average of 8,000 hours per month, thereby wasting over 7,000 gallons of fuel at a cost of over \$25,000. We further projected that idling across MNR's entire highway fleet could cost the agency \$300,000 per year. In its August 2012 response to our report, MNR accepted all of our recommendations, including a "prohibition" on unnecessary idling for all vehicles, and noted that its "implementation and management plan" included implementing Automatic Vehicle Location Management (AVLM) hardware and software in its entire non-revenue highway fleet "to monitor and reduce unnecessary idling effectively."

The OIG initiated this follow-up review in 2017 to evaluate the steps MNR had taken to reduce unnecessary idling in accordance with MNR's response to our earlier report. While we found that the agency had implemented some of the corrective actions recommended in 2012, as described below, we also found that other aspects of its idling-reduction program required attention. In your letter dated July 16, 2018, on behalf of the agency, you agreed with all of our latest recommendations and explained the implementing actions that have been or soon will be taken to further reduce unnecessary idling at MNR. This letter serves as our final report and incorporates the implementation information for each recommendation under sections subtitled "Agency Response."

In performing this follow-up review, we interviewed MNR management and staff; collected and analyzed memos, policies, and other internal documents; and examined idling data across MNR's now approximately 800-vehicle non-revenue fleet, using reports from the AVLM system. Subject to state and local idling regulations, this fleet comprises all of MNR's departments.¹

MNR replaced the initial AVLM vendor in 2015 with BSM Wireless Inc. (BSM). BSM installed Sentinel Fleet Management (Sentinel) hardware and software, which enabled MNR to monitor safety-related driving behavior such as speed, braking, and idling. During the review period, however, MNR and the OIG became aware of significant inherent technological problems with Sentinel's ability to accurately record the details of idling events, resulting in the production of unreliable idling data and reports. As a consequence, the OIG could not accurately quantify the amount of unnecessary idling at MNR. Despite this limitation, OIG's interviews with MNR management and staff and our analysis of documents pertaining to idling at MNR support our conclusion that the agency's current vehicle safety monitoring program does not adequately identify and address unnecessary idling.

Fortunately, a joint agency effort among LIRR, MNR, and MTA Bridges and Tunnels is underway to contract with a new vendor to replace BSM and Sentinel by the end of 2019. In our view, the ostensible technological setback is an opportunity from which useful lessons can be applied to the selection of a new vendor. More broadly, the insights gained from the agency's experience should help MNR management design and establish a more effective idling oversight program before a new fleet management system is implemented.

MNR Actions Taken After 2012 OIG Report

While MNR initially took steps to implement OIG's 2012 recommendations, officials explained that management concentrated its focus on safety concerns soon after 2012 as a result of a number of events. More specifically, a series of derailments, on-the-job employee fatalities, and other safety-related incidents—four of them between May and December 2013—prompted management to provide significant additional resources to change agency practices and culture regarding safety. During this period, the agency also experienced unusually high executive turnover, including the retirement of its president in January 2014. These concerns, MNR officials said, resulted in less attention being paid to reducing idling.

¹ MNR is subject to three controlling requirements. First, state law prohibits idling by heavy-duty vehicles over 8,500 pounds for longer than five consecutive minutes, with some relevant exceptions (Environmental Conservation Law §3-0301 and implementing regulation 6 NYCRR 217-3). Second, New York City law is notably more restrictive, prohibiting any vehicle from idling for more than three minutes (New York City Administrative Code, Title 24, Section 24-163). And finally, within the Authority itself, MTA All-Agency Policy Directive 11-037, *Assignment and Use of Official Vehicles* (Idling Policy), states, "All MTA Vehicle operators must eliminate unnecessary idling and comply with applicable state idling laws."

Agency officials also admitted that unnecessary idling—meaning that it did not further the operation of the railroad or the safety of its employees—remains very common, particularly within the Maintenance of Way (MoW) Department, which operates some 550 (69 percent) of the agency’s approximately 800 highway vehicles.

RECOMMENDATIONS

As described above, MNR accepted all of the recommendations made in our 2012 idling report and began implementation of a program to prevent unnecessary idling. Unfortunately, as revealed by our current review, the railroad did not fully implement and sustain an effective program to accomplish that goal consistent with New York state and local law. As MNR certainly appreciates, the issues regarding unnecessary idling remain important and the agency needs to implement a sustainable idling-prevention program consistent with law. Toward that end, we made the following nine recommendations for action going forward. The agency agreed with all of the recommendations, which are in the stages of implementation described below.

Recommendation 1:

MNR should assign ultimate responsibility for reducing unnecessary idling to an operational executive who will oversee and be accountable for idling management. This executive should be the point person for program guidance, and should have sufficient authority to administer and enforce policies and procedures as needed to make the idling program continually effective and efficient.

In response to our recommendation in 2012 for MNR to prohibit unnecessary idling for all vehicles in its highway fleet, MNR outlined the actions it was taking to achieve this objective, many of which were not pursued. Most problematic was that no one was accountable for following through once the Senior Director of Operations Administration, who was the designated lead, retired. The absence of executive-level oversight of and accountability for reducing unnecessary idling resulted in a number of undesirable programmatic outcomes. In particular, despite assurance to the OIG that MNR was “working on a management and implementation plan for AVL M,” an official confirmed that such a plan was not developed. Instead, the agency carried out its AVL M program without establishing clear protocols and effective monitoring mechanisms.

Agency Response

Implemented. MNR has designated the Director, Operating Capital as the lead operational executive to oversee idling management; going forward, he will have the “full support and backing of the Executive Vice President, the Senior Vice President of Operations and the Vice President of Engineering.”

Recommendation 2:

MNR should amend Corporate Policy and Operating Procedure No. 10-015, *Non-Revenue Vehicle Management and Monitoring* (Procedure), to: (1) define in which safety situations and to what extent idling is permitted at MNR, accounting for New York state and city idling laws; (2) identify the mechanisms through which the Procedure will be carried out in the operating departments, including the use of AVL technology; and (3) declare the actions that will be taken if unnecessary idling is identified. We further recommend that MNR ensure that the amended Procedure be distributed to all affected staff.

In response to our 2012 recommendation, MNR agreed to amend its vehicle policies to prohibit unnecessary idling, but that was not done. Instead, according to an MNR manager, the agency uses MTA's Idling Policy (MTA's 2014 Policy Directive 11-037) as its "guiding policy" on idling. Unfortunately, we learned that some MNR staff responsible for upholding this Policy were not aware of its existence. Additionally, officials who were aware of the Policy expressed concern that it was unclear and seemed incomplete. We found, for instance, that the Policy does not address idling that violates state and local law and yet is allowed by MNR, e.g. running a vehicle to power the heat or air-conditioning while using it as a mobile office. Recognizing that MNR cannot itself amend the MTA Idling Policy, amending the MNR Procedure as recommended here will address the noted shortcomings of that Policy.

Agency Response

Implementation In Progress. Corporate Policy and Operating Procedure No. 10-015, Non-Revenue Vehicle Management and Monitoring, will be amended through an Idling Management Working Group led by the Director, Operating Capital. Once completed, the changes and updates will be communicated to all impacted personnel; implementation is anticipated in 4Q 2018.

Recommendation 3:

MNR should develop effective training materials that identify unnecessary idling as harmful behavior that is subject to discipline, and should train appropriate staff regarding the idling policies and procedures.

In response to OIG's 2012 recommendation to educate employees about the nature and enforcement of the revised policies, MNR stated that it would do so through a variety of communication channels and build on its "No Idling" campaign. Correspondingly, we learned that MNR informed employees of the MTA Idling Policy and continued its educational efforts. We found, however, that the messaging and training did not explain why unnecessary idling occurs or describe the negative effects it has on MNR and the surrounding environment, and thus did not convince vehicle operators to limit idling.

Agency Response

Implementation In Progress. The Idling Management Working Group will collaborate with the Environmental Compliance & Services Department and the Training & Development Department to ensure training is developed and delivered. Implementation is anticipated in 4Q 2018.

Recommendation 4:

MNR should develop metrics to quantify unnecessary idling and should establish idling reduction goals for MNR's highway vehicle fleet, in anticipation of implementing a new and improved AVL system capable of accurately and reliably capturing idling data.

Since our 2012 review, MNR established two programs to monitor the safety-related behaviors exhibited by vehicle operators. Each program also included a component designed to identify unnecessary idling: The Automotive Department was responsible for monitoring vehicle idling across all MNR departments from late 2015 to February 2017, and separately, MoW was charged with monitoring idling for all of its sub-departments. However, we found that these efforts proved ineffective in identifying vehicles with frequent idling activity and provided little to no basis for taking action to address unnecessary idling at the driver level. Further, the MNR personnel responsible for evaluating idling behavior were not given objective standards to apply in performing this oversight, including a clear definition of an acceptable duration or frequency of idling.

While MNR's idling management program historically has made no use of metrics or quantitative, time-bound performance goals, we believe it appropriate to do so now. Specifically, agency management should develop and use metrics to identify and measure unnecessary idling, including: (1) the ratio of fuel consumption to miles traveled; (2) time spent idling as a percentage of the time a highway vehicle operates; and (3) the average amount of time highway vehicles idle per day. Similarly, the use of performance goals will signal MNR's commitment to controlling unnecessary idling, and help drive progressive reductions on the path to elimination.

Agency Response

Implementation In Progress. The Idling Management Working Group will recommend metrics for approval and adoption by Senior Management, with an expected implementation date of 4Q 2018.

Recommendation 5:

Once the new AVL system is operable, MNR should design and circulate useful idling reports to operational managers to help them pursue the reduction/elimination goal.

We learned that although management developed an idling report for use by managers using data extracted from MNR's AVL system, its production and distribution was discontinued after a few months because recipients found that the report did not contain information they could readily use to identify and address unnecessary idling. Conversely, we were also informed that management's efforts were eventually abandoned for lack of feedback from recipients regarding what idling data to include in the reports.

Agency Response

Implementation In Progress. The Automotive Department is circulating monthly idling reports to operational managers "with the intent of raising awareness and reducing the amount of unnecessary idling. MNR will continue to refine these reports over time and as the new AVL system is implemented."

Recommendation 6:

MNR should establish a disciplinary process for employees engaging in unnecessary idling and should diligently and reasonably enforce idling violations.

In response to OIG's 2012 recommendation to establish enforcement procedures for violation of any idling rules, MNR stated that it "would outline the administrative process that will be used to curtail unnecessary idling as part of the AVL management plan," while ensuring the process would be consistent with appropriate collective bargaining agreements. Despite accepting our recommendation, the agency has not yet implemented it. The MNR officials we spoke with also agreed that a disciplinary procedure is essential to the success of an idling management program.

Agency Response

Implementation In Progress. The Idling Management Working Group will work with Labor Relations to "recommend appropriate disciplinary handling for employees who commit idling violations, for approval and adoption by Senior Management." Implementation is anticipated in 4Q 2018.

Recommendation 7:

MNR should determine whether BSM has met its contractual obligations with respect to Sentinel's ability to record and report idling data. If BSM has not done so, the agency should seek compensation.

Agency Response

Implementation In Progress. In the event it is determined that BSM has failed to meet its contractual obligations, MNR "shall pursue appropriate contractual remedies." Implementation is anticipated in 4Q 2018.

Recommendation 8:

MNR should ensure that BSM's performance on the current contract is factored into the evaluation by the MTA Business Service Center of BSM for any future contracts with any MTA agencies.

Agency Response

Implementation In Progress. MNR will communicate accordingly with BSC Procurement; implementation is anticipated in 4Q 2018.

Recommendation 9:

MNR should work with the MTA Business Service Center to incorporate into the Request for Proposal and the eventual contract with a new AVL vendor (with a new software package), the lessons learned from working with BSM and from using Sentinel.

The technical problems with Sentinel's ability to produce reliable idling data and reports severely restrict MNR's ability to operate an effective idling management program and ensure the efficient use of its fleet. As such, this loss represents wasted capital. Since the OIG understands that BSM may not be able to fix the problems, MNR's past and future payments to BSM should be assessed to reflect the reduced functionality that has been and is being provided.

The impending replacement of Sentinel represents an opportunity to capitalize on the knowledge MNR has gained by applying it to the Request for Proposal (RFP) and the eventual new contract with BSM's replacement. Because the selection of a new vendor is taking place through a joint procurement process with LIRR and Bridges and Tunnels, all three agencies will benefit if the process addresses the previously-noted technological problems.

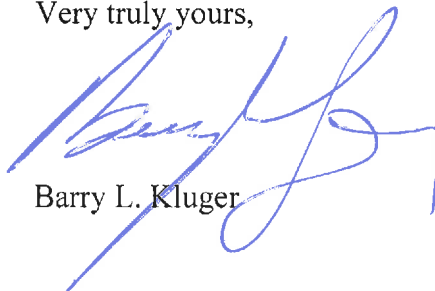
Catherine Rinaldi
Re: MTA/OIG #2018-15
July 19, 2018
Page 8

Agency Response

Implementation In Progress. The RFP for a replacement AVL system, which BSC Procurement is developing with MNR, LIRR, and B&T, "will address the technological and system issues we have had with Sentinel. BSC Procurement is also working on a contract extension with BSM to ensure MNR does not have a lapse in AVL service between vendors." Implementation is anticipated in 4Q 2018.

As always, we appreciate the courtesy and cooperation afforded to us at all times by you and your staff. If you have any questions please do not hesitate to call me or Executive Deputy Inspector General Elizabeth Keating at (212) 878-0022.

Very truly yours,



Barry L. Kluger