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Inspector General

Office of the Inspector General

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February 6, 2019

Darryl Irick
President, MTA Bus Company
Senior Vice President, NYC Transit
Department of Buses
2 Broadway, 30th Floor
New York, NY 10004

**Re: Bus Operators Driving for Outside
Employment
MTA/OIG #2018-31**

Dear Mr. Irick:

In 2017 the Office of the MTA Inspector General (OIG) commenced an investigation regarding potential unauthorized dual employment and other violations by bus operators for the New York City Transit Department of Buses and MTA Bus Company (collectively "Buses") who engaged as drivers of "for-hire" vehicles. Early in this investigation we alerted you to our concerns and preliminary findings, which included the names of eight bus operators who had committed violations warranting discipline. Thereafter, on May 4, 2018, we sent you a letter transmitting the names of 25 additional bus operators for discipline and containing a draft of our recommendations directed at preventing future violations. In your response on behalf of the agency dated January 29, 2019, you agreed with our recommendations and explained the implementing actions that have been or will be taken by the agency to deter such unauthorized employment in the future. This letter to you constitutes our final report.

To drive a for-hire vehicle in New York City, drivers must have a license issued by the NYC Taxi and Limousine Commission (TLC) and must arrange all for-hire service through a TLC-licensed base or a TLC-licensed Dispatch Service Provider working with a licensed base. Driving history for each licensee is then submitted to TLC monthly by the bases. OIG was advised by Buses management that owing to the safety-sensitive status of their employment, bus operators would not be approved to work a second job that involves operating any motor vehicle.

Using TLC data, the OIG found that 215 Bus Operators had licenses with TLC. Of these, 33 had active TLC-driving histories in the second half of 2017, despite lacking secondary-employment authorization from Buses. Our investigation revealed that besides engaging in such unauthorized employment, a number of the 33 bus operators also violated other restrictions, including those applicable to Hours of Service and sick leave. While these 33 operators were actually subjects of our investigation and found to warrant discipline, the remaining 182 bus operators with TLC licenses present an ongoing risk of engaging in similar behavior and committing similar violations. Given the safety-sensitive nature of the bus operators' employment and the

concomitant risk to public safety by violations such as those already committed, we made the following recommendations to assist Buses in addressing such risks and thereby deterring hazardous behavior going forward.

RECOMMENDATIONS

1. Buses should immediately provide written notice to all bus operators with TLC licenses, and their supervisors, that any use of such licenses is monitored and that unauthorized use while employed as a bus operator will result in discipline, up to and including termination.

Agency Response: Accepted. "Buses will notify in writing all the Bus Operators identified in the OIG investigation that unauthorized use of their TLC license while employed as a bus operator will result in discipline, up to and including termination."

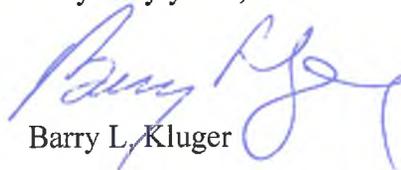
2. Buses should reinforce that all bus operators are subject to the dual employment policies of the MTA and NYC Transit and advise Bus Operators through the initial training program, refresher trainings, and periodic announcements, that employees whose essential functions are to operate DOB vehicles and/or equipment may be prohibited from performing similar functions as secondary employment.

Agency Response: Accepted. "Buses will also reinforce through training and periodic announcements that all bus operators and employees whose essential functions are to operate a vehicle and/or equipment are subject to MTA's dual employment policy."

Going forward, I know you agree that Buses would benefit from a partnership with the Taxi and Limousine Commission to help identify and monitor the acquisition and use of TLC licenses by bus operators. To that end, the OIG will continue to explore data sharing options between Buses and the TLC and otherwise assist the agency's efforts to promote safety and protect the public.

As always, we appreciate the courtesy and cooperation afforded to us at all times by you and your staff. If you need any further information, feel free to contact me at (212) 878-0007 or Executive Deputy Inspector General Elizabeth Keating at (212) 878-0022.

Very truly yours,



Barry L. Kluger

Cc: Andrew Byford
Craig Cipriano
Paige Graves