



Barry L. Kluger
Inspector General

Office of the Inspector General
Metropolitan Transportation Authority
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March 5, 2019

Mr. Daniel DeCrescenzo
Acting President
MTA Bridges and Tunnels
2 Broadway
New York, NY 10004

**Re: Abuse of E-ZPass Non-Revenue Tag
MTA/OIG #2019-02**

Dear Mr. DeCrescenzo:

The Office of the MTA Inspector General (OIG) conducted an investigation that revealed MTA Bridges and Tunnels (B&T) Operations Maintainer Level II, Yaron Orenstein (Orenstein), abused his *E-ZPass* non-revenue tag while engaged in outside employment as a driver of a “for-hire” vehicle. We recommend that B&T impose discipline as it deems appropriate, up to and including termination. We further recommend that B&T revoke Orenstein’s *E-ZPass* non-revenue tag and recoup any losses incurred due to Orenstein’s improper use of the tag.

BACKGROUND

Orenstein was hired on April 7, 2005, and is currently assigned to the Rockaway Facilities. Orenstein holds an active New York City Taxi and Limousine Commission (TLC) license (#5610653) that permits him to drive a for-hire vehicle. As a B&T employee, he was issued an *E-ZPass* non-revenue tag that is restricted to the B&T employee’s personal travel, and for which commercial use is prohibited. Orenstein also has a standard *E-ZPass* account and tag.

INVESTIGATION

During our investigation, OIG staff obtained Orenstein’s TLC trip and *E-ZPass* records. OIG reviewed and compared Orenstein’s trips made in his for-hire vehicle to his *E-ZPass* non-revenue tag crossings for an 11-month period ending April 30, 2018. OIG found 33 instances in which Orenstein used his *E-ZPass* non-revenue tag in the course of performing a for-hire trip.

On September 28, 2018, OIG interviewed Orenstein regarding the misuse of his *E-ZPass* non-revenue tag. Orenstein acknowledged that he has two active *E-ZPass* accounts— a standard account (#49397170) and a non-revenue employee account (#72437949). Orenstein made a clear distinction between the two *E-ZPass* accounts, referring to his standard account as an “ivory tag” and his non-revenue account as an “orange tag.” OIG asked Orenstein if he was aware of B&T’s Employee *E-ZPass* Tag Policy. Orenstein claimed that he was not “officially” made aware of the Policy, and had to search for it on the agency’s intranet prior to meeting with the OIG. When asked what prompted him to research the Policy, Orenstein stated that he occasionally drives for

Uber and claimed that there could have been instances where he “failed to switch between [his] employee tag [orange] and [his] personal tag [ivory] while performing trips.” OIG revealed to Orenstein that we had identified 33 TLC trips that included a B&T crossing, during an 11-month period, and on all 33 instances we found that he used his *E-ZPass* non-revenue tag, rather than his personal tag. Orenstein agreed that this was possible. OIG noted in its analysis of *E-ZPass* records that Orenstein was apparently cognizant of his need to switch between his standard and non-revenue *E-ZPasses* when using Port Authority of NY & NJ crossings, as the OIG review revealed that on these crossings Orenstein only used his standard *E-ZPass*. However, he failed to apply the same principle when using B&T crossings – a process that Orenstein oddly asserted was “easier to remember because [his] non-revenue account was not allowed to be overdrawn.”

Despite his numerous attempts to justify the violations, Orenstein did not dispute the findings. When asked by the OIG, Orenstein further disclosed that there could be additional instances in which he inappropriately used his *E-ZPass* non-revenue tag during the months preceding OIG’s review.

On December 7, 2018, Orenstein provided the OIG with his Uber statements for June 2015 through November 2018. A preliminary review of these records found an additional 97 instances, dating as far back as September 2015, in which Orenstein inappropriately used his *E-ZPass* non-revenue tag on B&T crossings while performing trips for Uber. OIG calculated the total value of the non-revenue pass *E-ZPass* tag usage for the 130 transactions to be \$750.23 at the *E-ZPass* rate, and \$1,078.75 at the cash rate. OIG will provide B&T with a spreadsheet detailing the 130 violations.

In the course of OIG’s review of the Uber records provided by Orenstein, the OIG noted that in those instances where he used his *E-ZPass* non-revenue tag during Uber trips, his customers were charged, and Orenstein was paid for, the B&T tolls which Orenstein himself never paid.

POLICIES

Bridges & Tunnels Revenue Management Policy and Procedure

B&T Employee *E-ZPass* Tag Policy and Procedure, states in pertinent part:

Section 4.2.1 Examples of Impermissible Uses (included but are not limited to):

B. In return for payment or other compensation

Section 4.3 Employee Responsibility and Liability, states in part,

Each employee will be responsible for the safekeeping and use of the tag in accordance with this procedure. . .

Section 4.3.1, states in part,

Free passage for employees via the *E-ZPass* tag is contingent upon compliance with the terms of the policy and procedure. Any employee found to have violated the terms and conditions regarding the use of an *E-ZPass* non-revenue tag may be subject to disciplinary action up to and including dismissal. . .

Section 4.3.3, states in part,

Unauthorized use, use for commercial purposes or for remuneration . . . may result in disciplinary action up to and including dismissal. . .

FINDINGS

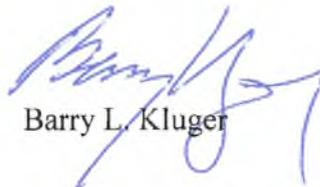
Orenstein utilized his *E-ZPass* non-revenue tag for commercial purposes on 130 occasions, in violation of B&T Revenue Management Employee *E-ZPass* Tag Policy and Procedure.

RECOMMENDATIONS

1. We recommend that B&T discipline Orenstein, up to and including termination.
2. We recommend that B&T revoke Orenstein's *E-ZPass* non-revenue tag.
3. We recommend that B&T recoup any losses incurred due to Orenstein's improper use of his *E-ZPass* non-revenue tag.

Please provide me with the agency response to our recommendations within 15 days of receipt of this report. As always, we appreciate your continued courtesy and cooperation. Should you have any questions, or need additional information, please contact me at (212) 878-0007 or Deputy Inspector General for Audit Elizabeth Keating (212) 878-0022.

Very truly yours,



Barry L. Kluger

cc: Donald Look
Enc.