



## REMOVAL OF UNSAFE COMMERCIAL VEHICLES FROM BRIDGES & TUNNELS FACILITIES - FINAL

**Carolyn Pokorny**  
MTA Inspector General  
State of New York

### I. EXECUTIVE SUMMARY

In the past few years, the Office of the MTA Inspector General (OIG) received several complaints alleging that MTA Bridges and Tunnels (B&T) officers accepted kickbacks from towing companies to give preferential treatment to the companies for towing out-of-service vehicles off of B&T properties. OIG's investigations into each of these complaints did not substantiate the allegations. Nonetheless, B&T asked that we conduct an assessment as to whether B&T operations could be vulnerable to such schemes. Accordingly, OIG reviewed the agency's controls over the removal of commercial vehicles from its facilities when the vehicles do not meet established safety standards.

Although we found no evidence of inappropriate activity, the agency's recordkeeping practices did not allow for a thorough analysis of recent towing incidents. For this reason, management might not have the information it needs to reduce the likelihood of abuse. In November 2019, we shared with B&T our Draft Report recommending that B&T Operations develop a process to ensure its officers request towing services from authorized companies only and document the company name. The agency's January 15, 2020 positive response to our recommendation is summarized below.

### II. BACKGROUND

#### A. B&T Inspections

B&T's facilities are used by more than 61,900 commercial vehicles each day on average—over 22.6 million vehicles each year. The B&T Operations Department (Operations) plays a major role in facilitating the safe and efficient flow of such traffic by inspecting commercial vehicles to be sure they meet federal, state, and MTA safety standards and do not pose a threat to B&T's infrastructure or other customers.

To fulfill that role, B&T has a Commercial Vehicle Safety Unit (CVSU),<sup>1</sup> which is responsible for monitoring and ensuring that commercial vehicles using B&T facilities are in compliance with federal, state, and MTA regulations. CVSU consists of B&T Officers and Sergeants (Officers) who are trained to conduct comprehensive North American Standard Truck Inspections (NASTI) of commercial vehicles. CVSU conducts planned and unplanned inspections of commercial vehicles. Planned inspections generally are conducted jointly with the New York City Police Department or the New York State Department of Transportation. In addition to NASTI inspections, all Officers are trained to identify and intercept overweight commercial vehicles using B&T facilities.

## **B. Towing Services**

When a commercial vehicle is found to be overweight or not in compliance with NASTI inspection standards, an Officer issues a summons to the driver and takes the vehicle out of service. Because B&T does not have heavy towing<sup>2</sup> capability, the Officer then calls the B&T Command Center to make the arrangements or, for expediency, calls an authorized private towing company directly. During the period from January 2016 through April 2019, of the 3,939 commercial vehicles stopped for inspection, Officers removed 2,895 (73.5%) from service.

The agency participates in New York City's Arterial Tow Program (ATP),<sup>3</sup> which awards companies through a competitive process the right to provide towing services in specific locations. At the time of our review, B&T had authorized 4 ATP towing companies<sup>4</sup> to provide heavy towing services from its properties. Each of the 4 companies was assigned to specific B&T crossings, depending on the offending vehicle's travel direction. For example, at the RFK Bridge, Universe Towing handled vehicles heading toward the Bruckner Expressway and FDR Drive.

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<sup>1</sup> CVSU is a unit within the Special Operations Division of Operations and under the command of an inspector.

<sup>2</sup> Towing of vehicles with gross vehicle weight rating of 18,000 pounds and greater.

<sup>3</sup> ATP is administered by the New York City Police Department and the NYC Department of Citywide Administrative Services.

<sup>4</sup> The 4 companies are Universe Towing, Inc.; Autorama Enterprises, Inc.; Knights Towing Corp.; and Runway Towing Corp.

### III. FINDINGS

#### A. B&T Officers Do Not Document the Vendors Providing Towing Services

Operations management told the OIG that to request a towing service, the Officer can call either the B&T Command Center, which will arrange for a tow, or the towing company assigned to that location. Once the tow truck arrives and hooks up the out-of-service vehicle, the towing company becomes responsible for the vehicle. The owner of the vehicle then decides whether to have it towed to the towing company's yard or to a registered repair shop of the owner's choosing. The commercial vehicle's owner pays the towing firm directly for the service, which costs a minimum of \$250 and—depending on the vehicle weight, time, and other services required—can be much higher. OIG received a complaint alleging excessive fees with a receipt showing over \$6,500 in charges for a single tow combined with other services.

When contacting the towing company directly, the Officer is required to contact the company authorized for each particular location. However, no method currently exists to ensure that the Officer contacts only the authorized towing company. The CVSU Commanding Officer told OIG that the vehicle inspection information is documented in the Officers' memo books, in the vehicle inspection reports and summonses, and in Operations' electronic Facility Log System database. However, Officers are not required to record the name of the towing company used. In fact, OIG found that the selected vehicle inspection data and records we reviewed did not contain this information. Due to this lack of documentation, we could not assess whether there was wrongdoing, nor could we confirm that Officers consistently followed B&T protocol.

#### B. The Opportunity and Incentive Exist to Engage in Fraud

As previously stated, the cost to tow a commercial vehicle can be significant, up to hundreds or possibly thousands of dollars; hence, the work is attractive to towing companies, and some may have taken advantage of stranded vehicles in violation of the law. For example, in 2018, the Manhattan District Attorney announced the indictment of multiple individuals and companies for maintaining an unlawful monopoly on the towing industry in New York City through elaborate schemes involving shell companies, insurance fraud, bid rigging, and other crimes.

However, in relation to this risk, we could not determine which towing companies had responded to the incidents we reviewed because B&T's records did not contain this information. Since the current operating environment allows Officers to engage directly with the towing companies, OIG is concerned that an opportunity exists for inappropriate behavior to occur without management's knowledge. Such an environment creates the potential for non-

compliance or, worse, could allow an Officer to make an arrangement with a vendor for kickbacks.

When we discussed our finding with Operations management, they concurred that the potential for abuse was present and agreed to take steps to reduce the likelihood of improper actions when Officers call for towing services.

#### IV. RECOMMENDATION

1. Bridge & Tunnel Operations should develop a process to ensure that Bridge & Tunnel Officers request towing services from authorized companies and document the name of the towing company contacted.

*Agency Response: B&T agreed with OIG's findings and revised its operating procedures to specifically require that:*

- a) *B&T personnel use only authorized towing companies participating in New York City's Arterial Towing Program,*
- b) *Calls to authorized Towing companies can only be made by B&T Facility Desk or Operations Command Center and must be recorded in B&T's Facility Log System database,*
- c) *The responding Officers must enter the name of the towing company used in their memo books,*
- d) *A copy of the tow receipt will be sent to the registered owner of the vehicle by regular and registered mail, and*
- e) *A copy of the tow receipt must be kept on file.*