



HOMELESS OUTREACH ACTIVITIES: TRANSFORMATION NEEDED – FINAL (MTA/OIG #2020-13)

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Introduction: An Urgent and Evolving Situation

Since March 2020, the coronavirus pandemic has thrown into stark relief the longstanding problem of homelessness in the New York City Transit (NYC Transit or Transit) subway system. As millions of non-essential workers stayed home as required under Governor Andrew M. Cuomo’s [executive order](#), large numbers of homeless individuals continued to seek shelter in the subway – despite Transit’s increased, well-intentioned, and expensive intervention efforts costing millions of taxpayer dollars each year. The disturbing conditions on trains and platforms – scores of homeless individuals, without protective facemasks, splayed out in subway cars along with all their belongings – were widely reported by the media and NYC Transit employees. These unsanitary conditions endangered the safety of NYC Transit employees and other essential workers traveling to and from their critically important jobs (as well as the homeless individuals) by reducing their ability to practice safe social distancing and raising their risk of infection. The situation has caused members of the public currently sheltering at home to wonder whether the subway will be clean, safe, and secure when they themselves are allowed to return to work, school, medical appointments, and other activities of pre-pandemic daily life. Any reluctance by riders to return to the subway system will hinder the region’s return to economic and social well-being, while prolonging the pandemic’s devastating financial toll on the MTA.

Throughout March and April 2020, MTA and NYC Transit leadership took action to address this challenge in 2 key areas: direct outreach to homeless individuals and enforcement of the [rules governing the subway](#). In addition, at Gov. Cuomo’s direction, in late April the [MTA proposed an aggressive Essential Service cleaning program](#) to enable NYC Transit to clean and disinfect every train every night and – in coordination with the New York City Police Department (NYPD) – to close all 472 subway stations between the hours of 1 a.m. and 5 a.m. The new protocols are designed to allow law enforcement to remove all individuals from the trains and stations, at which point outreach workers will be available to provide supportive services and information to persons in need. The program began on May 6, 2020 and will continue for the duration of the pandemic, according to MTA leadership.

Even before the pandemic hit, NYC Transit’s obligation to keep the system operating 24/7 was a major obstacle to cleaning the trains and addressing homelessness. The Office of the MTA Inspector General (OIG) supports the MTA’s unprecedented and ambitious effort during this pandemic.

As this Report describes, most of what is needed to move homeless people out of the subway system and into more appropriate settings is outside the MTA’s control and mission. The MTA is not a social services agency. It is a transportation agency – and one that is facing a critical point in its history. The MTA is in serious financial straits and grappling with a pandemic on top of the enormous responsibility to maintain and upgrade its aging infrastructure and provide a safe, clean, well-run system that riders are confident in using.

I. EXECUTIVE SUMMARY

The OIG has completed a review of the MTA’s efforts to keep the transportation system safe and secure while also ensuring that homeless individuals on agency property receive necessary social services. Since the summer of 2019, OIG has been conducting reviews of outreach provided to individuals sheltering in Pennsylvania Station (Penn Station) and Grand Central Terminal (GCT) and monitoring initiatives the [interagency Task Force on Homelessness in the Subway System](#) (the Task Force) recommended.

A. Summary of Observations

- **MTA needs better data: The Authority does not know how many homeless individuals shelter in the system, how many are convinced to leave each day, and how many actually shelter elsewhere.** During our review, OIG analyzed available sources of data regarding the effectiveness of interventions and the impact of homelessness on the transit system. Unfortunately, we found that some of the sources required a great deal of MTA staff time to collect and report, with most offering scant value either to agency leadership or the employees working in the areas of outreach, enforcement, and operations, because the information-management process was poorly designed. What we found did not give us confidence that the information collected by MTA and New York City is accurate, appropriately shared, or used for decisionmaking. (See pp. 8-11.)

- **The trends in train delays caused by apparently homeless people and the frequency of customer complaints about them suggest that the intervention programs are not working.** This lack of progress is particularly notable because MTA spent at least \$2.6 million in overtime costs alone on an intensive overnight outreach program from August 2019 through February 2020 that the Task Force recommended. (See pp. 11-13.)
- **MTA’s programs to humanely remove the homeless population from the system are not succeeding, although MTA has tried a variety of costly interventions. To resolve this problem is beyond its expertise and mission as a transportation agency. In contrast, professional social service providers do have the necessary tools and expertise.** This complex societal issue must be addressed through a coordinated effort by New York City agencies who have experience in social services and can provide homeless individuals with the incentive and the ability to find appropriate shelter outside of the transit system. (See pp. 14-18.)
- **What MTA can control is how best to direct its homeless outreach contractor and use its resources most efficiently.** MTA would benefit from having clear expectations in its contract with Bowery Residents’ Committee (BRC) and its Memorandum of Understanding (MOU) with the NYC Department of Homeless Services (DHS) – which together cost the MTA approximately \$5 million annually. In the sample reviewed, OIG did not find fraud in either BRC’s billings to the MTA or in outreach workers’ time records; however, the lack of effective data collection and reporting metrics makes it difficult for the MTA to provide adequate oversight of its contractor. The current MOU runs through June 30, 2020, making this an opportune time to adjust it as necessary. (See pp. 18-20.)
- **MTA should dedicate its scarce resources to managing the factors directly within its control, while using modern performance-measurement methods to reduce the impact of homelessness on the transit system.** The unprecedented operational challenges caused by the pandemic represent an opportunity to blaze a better path forward and perhaps to forge a collaboration with New York City that will bring measurable improvements to the system and to those individuals experiencing homelessness. (See p. 21.)

B. Summary of Recommendations

To address the areas of weakness we identified, the MTA should reevaluate and redesign its efforts to address this complex challenge, in cooperation with its social service and law enforcement partners. To do so, the agency must focus on what it can control, improve the

information it relies on for managerial decision-making, and institute more robust oversight methods to ensure that outreach and enforcement efforts are aligned to reflect its priorities. Specifically, we recommend that MTA take the following actions:

- **Improve its methods for calculating** the number of individuals sheltering in the subway system and the number of individuals who have been diverted from MTA property to more appropriate facilities. This effort should begin while the Essential Service cleaning program, begun on May 6, 2020, is in place, so that MTA can apply any lessons learned to future outreach and enforcement efforts.
- **Determine whether to institute a new joint enforcement/outreach program at end-of-line subway stations after the Essential Service period ends** – and if so, how broad its scope will be. This decision-making process should include lessons learned from the Essential Service cleaning program and an evaluation of the benefits and costs of the original end-of-line program, which began in August 2019.
- Since the MTA spends millions of dollars annually on homeless outreach services, it should **strengthen its oversight of providers** by establishing new performance metrics, creating any necessary tracking and analytical efforts to hold providers accountable for their performance, and incorporating new requirements in both the MTA’s direct contract with BRC and its MOU with DHS. MTA should also establish a process to assess and document providers’ performance.

NYC Transit responded to our preliminary report on June 10, 2020, stating, “The MTA agrees in principle with each of these suggestions and is already taking affirmative steps that align” with the three general themes described above. The agency’s specific responses appear in the Recommendations section at the end of this Report. (See pp. 21-25.)

II. BACKGROUND

A. MTA’s Outreach and Enforcement Programs Before Fall 2019

As the Task Force [report](#) notes, “New York City is legally obligated to house all individuals who are experiencing homelessness and request shelter, as well as to provide a broad array of other services. Anyone who is homeless, including those inappropriately seeking shelter within the transit system, can access appropriate shelter services provided by the City’s DHS.”¹ And the NYPD, a City agency, for decades has had sole responsibility for enforcing rules

¹ See The Task Force [report](#) at p. 2.

throughout the subway system, including stations, platforms, and trains; such rules include the [NYC Transit Rules of Conduct](#), which have long prohibited conduct associated with inappropriately sheltering in the system.

While homelessness is a societal issue, not a transportation issue, it always has been of great concern to the MTA because the presence and actions of apparently homeless people sheltering in the transportation system lead to train delays, make riders and employees feel unsafe, cause unsanitary conditions, and generate many complaints from riders.² Before the MTA's 2019 initiatives began, it used several tools to address homelessness:

A direct contract with BRC, a non-profit provider of housing and nonresidential programs, for approximately \$2 million per year to deliver outreach services to homeless individuals in GCT, Penn Station, and other Metro-North Railroad (MNR) and Long Island Rail Road (LIRR) facilities.

An MOU with New York City to pay half the cost of the City's \$6 million per year contract with BRC (i.e. \$3 million/year) to perform outreach in subway stations.

The enforcement activities of the MTA Police Department (MTAPD) at certain facilities such as Penn Station.³ As noted above, until recently the NYPD had exclusive authority for enforcing rules in the subway system.

The responsibility for overseeing the MTA's efforts related to the 2 contracts with BRC lies with the MTAHQ Homeless Outreach Services unit, which was established in 1993. As of January 2019, it has been part of the MTA Safety Management Office. Among other duties, its staff members are to communicate regularly with BRC, DHS, MTA operational managers, and other stakeholders; develop and implement strategies to reduce the number of homeless individuals on MTA property; review invoices and documentation submitted by BRC; and serve as the agency's point of contact for issues related to homeless outreach and enforcement.⁴

² It can be difficult to identify someone as homeless without interviewing them. For reasons of mental illness or other personal challenges, some individuals do have a place to sleep but choose instead to shelter in the transit system.

³ MTAPD, the Amtrak Police Department, and New Jersey Transit are jointly responsible for enforcement at Penn Station.

⁴ As of January 2020, the unit has 3 staff members; for several years prior, it had just 2.

B. Events During the Summer of 2019

In mid-2019, the number of complaints from NYC Transit customers about the presence of homeless individuals in the subway system began to surge. Numerous news stories appeared, many focused on people sheltering in and about Penn Station. In July 2019, 4 significant events occurred:

- Governor Andrew M. Cuomo [urged the MTA Board](#) to address “the homeless crisis” as part of the MTA’s reorganization plan.
- The Office of the New York State Comptroller (Comptroller) issued a [report](#) on MTA’s oversight of its homeless outreach services on LIRR and MNR properties.
- OIG began an [investigation](#) of MTA’s homeless outreach activities to determine, among other objectives, whether BRC was complying with its contractual requirements regarding GCT and Penn Station.
- The MTA [announced](#) the formation of the Task Force, in collaboration with the New York State Office of Temporary and Disability Assistance (OTDA), MTAPD, and NYPD. The group’s goal was “to design a plan that [would] lead to a significant reduction in homelessness and panhandling on the subways by the end of 2019.”

Notably, the Task Force’s stated goal of reducing homelessness on the subways was the first authoritative statement of this objective, and the shift in perspective became clear even before the Task Force issued its recommendations. For example, beginning in August 2019, OTDA-led outreach teams – accompanied by MTAPD officers – began working overnight at selected end-of-line subway stations to offer access to shelter and other services to individuals in need. This initiative, the End-of-Line (EOL) Program, began at 4 stations, grew to 8 by October 2019, and remained at 8 during OIG’s review period. In addition, NYC Transit began taking steps to better educate the riding public about its Rules of Conduct, and MTAPD increased its enforcement efforts to improve compliance with the rules.

C. The Task Force Recommendations

The Task Force [issued](#) its recommendations on October 4, 2019. The document clearly stated the overall goal of MTA’s work on homelessness in the subway system: “MTA’s priority is and must remain the safety, security, and comfort of riders, and the efficient operation of the system.” The Task Force directed the MTA to take action both to ensure that homeless individuals receive necessary services and to keep the transportation system safe and secure.⁵

⁵ See the [press release](#) on the recommendations.

Regarding **outreach activities**, the group recommended that DHS provide enhanced levels of outreach to homeless individuals – first on an emergency basis and then at a sustainable level – to achieve “a dramatic increase in consistent outreach during overnight hours.”

In the **enforcement** arena, the Task Force called for a 50% increase in the number of MTAPD officers, in part to assist with outreach activities while ensuring safety. This directive represented a key expansion of MTAPD’s duties, necessitating a formal agreement with NYPD and requiring both the reassignment of MTAPD officers from across the LIRR and MNR systems and the hiring of new officers.

The recommendations also called for additional efforts to **inform customers** about the Rules of Conduct for the subway system. OIG observed that NYC Transit took positive steps in this area, e.g. by providing additional signage in its stations, on platforms, and aboard trains, as well as by broadcasting new announcements describing the behaviors that are expected and those that are prohibited in the system.

In addition, the Task Force directed the MTA to **work closely with OTDA, DHS, NYPD, and other partners** to “ensure a coordinated and effective use of resources to reduce the number of individuals who are experiencing homelessness in the transit system.” OIG observed that staff in MTAHQ Homeless Outreach Services and MTAPD took positive steps in this area, engaging regularly and substantively with their counterparts in New York State and City agencies to address the evolving situation and adjust their activities accordingly.

In its final recommendation, the Task Force stated that the **MTA Inspector General should monitor the MTA’s enhanced activities** “to maximize transparency, ensure improvement in outcomes, and verify that necessary services are delivered in an efficient and effective manner.” To that end, OIG has met with staff members at MTA Headquarters, MTAPD, and OTDA to learn about their activities, procedures, and plans. OIG staff have performed site visits to observe outreach workers and law enforcement personnel and have conducted in-depth analyses of the available data concerning the impact of homelessness on NYC Transit subway operations.

This Report discusses our review of the MTA’s outreach and enforcement efforts.

D. Spring 2020: Unprecedented Events

Beginning in March 2020, the coronavirus pandemic’s impact on MTA operations highlighted the enormous challenge presented by individuals sheltering in the transit system. As non-essential workers complied with Governor Cuomo’s executive order to stay home – which

took effect on March 22 – ridership fell more than 90% on the subways and commuter railroads under the “[NY Essential Service Plan](#).” Despite this decrease, and even with NYC Transit’s enhanced cleaning and disinfecting protocols [announced](#) on March 2, it was widely reported that unsanitary conditions worsened on subway trains because a large number of apparently homeless individuals took shelter in a smaller number of operating cars. This situation made it difficult for agency leadership to ensure the safety of NYC Transit employees and other essential workers, and also raised concerns about whether members of the general public would feel safe returning to the subway system when the restrictions on movement eventually eased.

This untenable state of affairs caused MTA leadership to implement the Essential Service cleaning program, under which regular subway service is discontinued between 1 a.m. and 5 a.m. The new protocols were designed to allow NYPD and MTAPD officers to escort all riders, including individuals sheltering in the system, out of all 472 stations. The program also includes support from additional outreach workers to provide information and supportive services to people in need under the auspices of NYC social service agencies. The program took effect on May 6, 2020 and according to MTA leadership will continue for the duration of the pandemic.

III. OBSERVATIONS

A. Program Data Is Unreliable Due to Weaknesses in Data Collection

The Task Force recommendations mentioned several key indicators related to conditions in the subway system, including the number of homeless individuals inappropriately seeking shelter there, the number of conversations or other interactions (Contacts) between outreach workers and individuals in need, and the number of people who accept some level of service. The group urged the MTA to implement new performance metrics to gauge the success of its efforts. During OIG’s review, it became clear that 2 distinct types of metrics need to be considered. The first, **activity metrics**, which MTA is currently collecting, describe how an organization is spending its staff time and resources and are relatively easy to tally and report. The second, **outcome metrics**, quantify the extent to which the agency has achieved a desired outcome and are more valuable than activity metrics in guiding executive strategy; however, they are much more difficult to design and track effectively. MTA is not currently monitoring outcome measurements in this area.

As part of OIG’s review, OIG audit staff identified multiple sources of data currently being collected related to homelessness in the NYC Transit system. For each source, we learned how the MTA gathered, shared, and used the data. We sought to evaluate its validity and determined what lessons MTA can learn from the data already collected. What we found did not give us confidence that the information MTA and New York City collected is accurate,

appropriately shared, or used for decisionmaking.

1. No Definitive Count Exists of the Individuals Sheltering in the System

Because the MTA's clearly stated goal is to reduce the number of people inappropriately sheltering in the subway system, a critical metric would be an accurate, reliable count of individuals in stations and on trains. OIG identified 2 available sources that might provide baseline figures: (1) the Homeless Outreach Population Estimate (HOPE), an annual point-in-time survey, and (2) counts taken by NYC Transit's Division of Car Equipment on selected trains. However, neither of these sources provides a sufficient count.

HOPE Survey.⁶ The HOPE survey is an annual count conducted over 1 night and does not include all of the subway stations or lines; statistical modeling is used to extrapolate from the sample an estimate of the true population of homeless individuals. In addition, although the estimate is performed in January as a snapshot in time, the results become available only in May or June and thus are not timely enough for management purposes. There is no other source available designed to measure the full number of people sheltering in subway stations, in track areas, and on trains themselves.

Division of Car Equipment. OIG learned that during late-night hours, Car Equipment personnel count the apparently homeless individuals who remain on a train when it reaches its terminus. The tallies are recorded on paper forms and then entered into a database. This could represent a useful outcome metric if carefully collected. However, the count includes only 4 subway lines – and only some cars of each train. In interviews with NYC Transit officials, OIG was unable to determine when and how these lines were selected or why the count was conducted. We also learned that the data was not shared widely or used for management purposes, and no statistical protocol was in place to extrapolate the results to the system as a whole. This represents an expenditure of staff time and effort with no clear benefit. However, if the process were designed more formally and carried out consistently it could produce useful information.

What we can still learn. Both of these measurements provide some sense of the scope and persistence of the problem. They can also identify the existence of locations where large numbers of individuals are sheltering. However, management cannot rely on them in its decision-making regarding outreach and enforcement activities. Given the extraordinary steps the MTA has taken to respond to the pandemic, the agency has both the duty and the opportunity to measure the effectiveness of its new initiatives – and to ask its partner organizations to do the same.

⁶ The HOPE survey is required by the U.S. Department of Housing and Urban Development.

2. There is no Credible Source on How Many Individuals Have Been Diverted from Sheltering in the Subway System

For the MTA to achieve its goal of reducing the number of people seeking shelter in the subway system, those individuals must leave and remain outside the system, without returning to the subway to sleep. One measurement of this is how many people agree to accept some level of service from outreach workers and immediately leave the premises. This group would include individuals who start the formal social service intake process, travel with outreach workers to a drop-in center, receive medical care, or – the ultimate desired result – are assigned a bed in a shelter or safe haven facility. Notably, many of these positive outcomes last only a short while and do not result in the long-term sheltering of an individual; despite this, OIG learned that outreach providers use the term “Placement” in reporting this collective outcome measure. To avoid any confusion, and to more precisely describe the range of outcomes included in this metric, OIG will use the term “Service/Placement” in this Report.

Service/Placement Data. We identified 3 sources of Service/Placement data: (1) MTAPD’s Daily Synopsis Report, which summarizes officers’ activities at end-of-line subway stations and other locations, (2) BRC’s Transit and Commuter Rail Outreach Activity Reports, which BRC is required to provide to MTAHQ Homeless Outreach Services staff, and (3) the Service/Placement figures reported by OTDA outreach workers when they were directly involved in the EOL Program from mid-August 2019 through February 2020.

The data from each source is reported slightly differently. MTAPD officers across the entire system tally their enforcement outcomes – including the number of people accepting services, aided, etc. – and MTAPD reports the figures to MTA management by email each morning. For GCT and Penn Station, BRC is required under its contract with MTA to track and report both the number of unique individuals its workers made contact with and the number of those it has provided an intervention for, up to and including placement, within a given time period. For the subway system, BRC outreach workers⁷ submit their EOL Program Service/Placement numbers to MTAPD in addition to submitting through its normal process, and MTAPD includes them in the agency’s daily reports.

From a performance measurement perspective, these sources of Service/Placement information fall short of reporting actual placements; in fact the figures only capture the possible number of who *might* really accept shelter and eventually be “placed.” Individuals who agree to go to an intake facility might leave before being assigned a bed, in part because it can take as long as 48 hours to be accepted to a shelter. Then even after an individual is assigned a bed in a

⁷ Outreach workers are typically BRC personnel, but OTDA staff members were also active in this role from the inception of the EOL Program through February 2020.

shelter or safe haven facility, they might return to the subway system or a train terminal after 1 night, or return regularly during daylight hours, sometimes to panhandle. MTA employees who work in the facilities told OIG that this is a common occurrence. Thus while Service/Placement is a meaningful measure of success, it does not indicate that an individual has been removed from MTA property permanently – or even for a full day.

MTAPD Enforcement Data. In addition to these 3 sources of Service/Placement data, another relevant data source exists. MTAPD officers report on the number of individuals removed from trains for any reason (and regardless of whether they might have access to shelter). If the agency’s goal is to reduce the number of people sheltering in the system, a valid count of those removed from MTA property would be a useful measure of the effectiveness of enforcement activities supporting that goal. However, while MTAPD does include on its Subway Daily Report a figure it describes as “Removal from train,” OIG learned that it is a misnomer. The figure actually includes 2 distinct groups of individuals: (1) those who have been removed from a train for violating the Rules of Conduct *and* (2) those with whom officers have simply made contact. Therefore, unfortunately, this source of data does not represent a reliable measurement of MTAPD activity. Separating Contacts from removals going forward would improve the usefulness of this collection effort as a measure of enforcement activity.

Clearly, the cyclical nature of homeless individuals’ movement into and out of the transit system creates a difficulty in counting *unique* persons; someone who has accepted services on multiple occasions would appear each time as a new individual in the Service/Placement figures that outreach workers initially report. Based on those figures, management and the public might think more people are being placed than is actually the case. Truly counting unique individuals from intervention to the acceptance of services to being given an actual shelter placement – and then determining whether they return to the subway system – would require much more coordination and cooperation between New York City, the outreach provider, and MTA than currently occurs.

B. Trends in Delays and Rider Complaints Suggest MTA’s Initiatives Were Not Effective

OIG analyzed recent trends in the causes of subway delays and the focus of customer complaints.

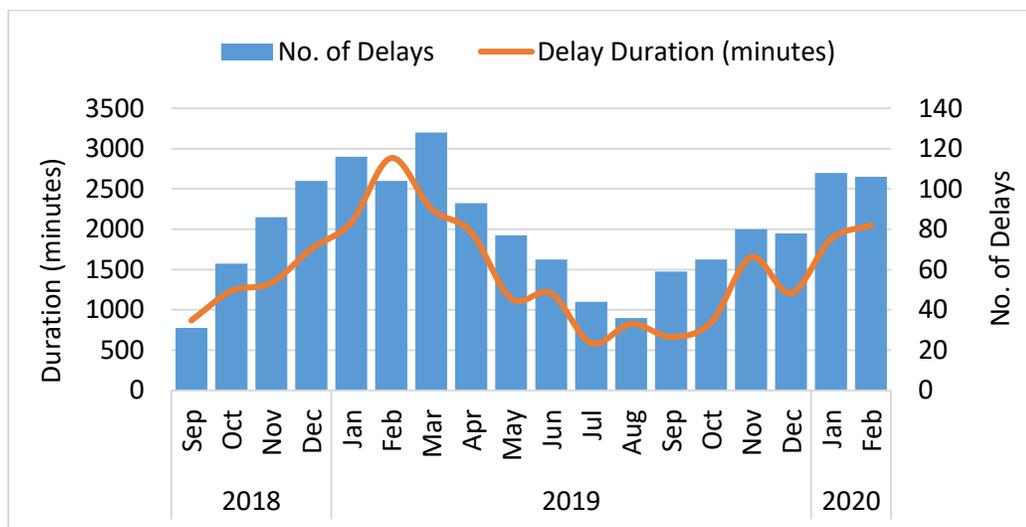
1. Subway Delays

NYC Transit maintains a database listing every delay and multiple causal factors for each event. The factors are first identified by persons with direct knowledge of the incident, and the factors they select are evaluated, and at times revised, by other staff members as more

information becomes available. One of the available factors indicates that the delay was caused at least in part by the activities of a person who appeared to be homeless. For example, a delay might be caused by an individual moving their excessive property on or off a train (increasing station dwell time) or someone who appears homeless may cause a disturbance on the train or platform.

OIG analyzed the delays for which homelessness was one of the top 3 causal factors. As illustrated in Exhibit A, from September 2018 to February 2020 these delays increased during the cold-weather months, when more people typically seek shelter in the subway system. In January and February 2020, slightly more than 100 delays occurred, lasting about 2,000 minutes (33 hours) for each month. Note that even though the new EOL Program initiative was in place during the winter of 2020, there were roughly the same number of delays as in January and February of 2019, although we acknowledge the delays in 2020 were of a shorter total duration.

**Exhibit A: Subway Delays Related to Homelessness
September 2018 – February 2020**



Source: OIG analysis; data from Statistical Transportation Analysis and Reporting System (STARS), Rail Control Center, NYC Transit Department of Subways.

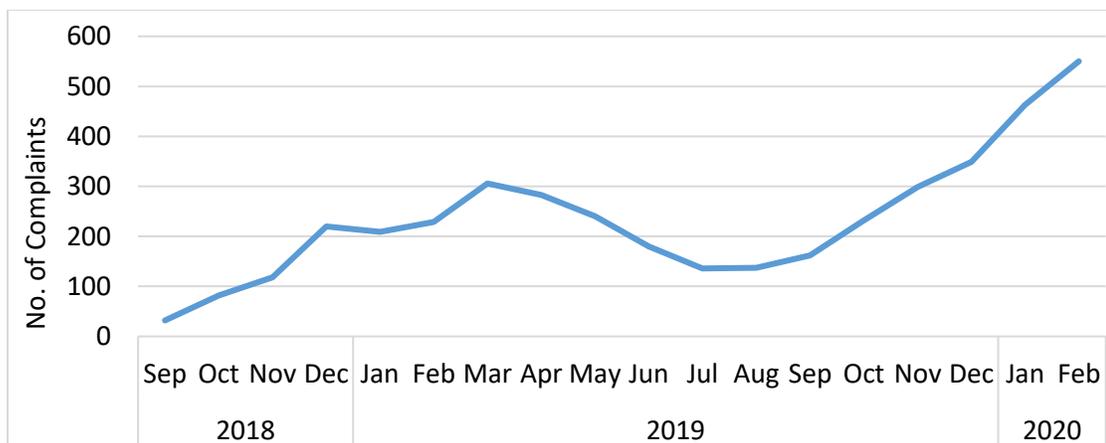
Because delays are of significant concern – and on-time performance a key outcome metric – NYC Transit operational managers monitor delay data carefully in order to take timely action in response to events. Although homeless individuals are not always identifiable by their appearance, and some delays linked to homelessness might be incorrectly labeled, the data can be used to show trends.

In short, the data above shows the persistent impact of homelessness on the agency’s ability to provide on-time service regardless of the interventions that have been attempted.

2. Subway & Bus Customer Complaints

NYC Transit maintains a database listing every customer complaint across all of the operating agencies, including the time, location, and details of the event. OIG analyzed complaints that made some mention of an apparently homeless individual – or a related incident or condition – in either the subway or bus system. As illustrated in Exhibit B, from September 2018 to February 2020 these complaints increased significantly, with the totals in the winter of 2019/2020 far surpassing those in previous cold-weather months. For example, the agency received 550 complaints in February 2020, more than double the 229 complaints in February 2019.

*Exhibit B: Subway & Bus Customer Complaints Related to Homelessness
September 2018 – February 2020*



Source: OIG analysis; data from Customer Relationship Management database, NYC Transit Corporate Communications.

Complaints are a valid measure of customers’ level of satisfaction with their travel experiences. While some complaints linked to homelessness might be about people who actually have access to shelter, this distinction is irrelevant to passengers negatively affected by the behavior of another person or by the conditions in a bus, train, or station. Customers hold NYC Transit responsible for addressing these situations.

C. The 2019 End-of-Line Program Was Very Expensive and Its Effectiveness Minimal

In the summer of 2019, OTDA designed the EOL Program in collaboration with the MTA to increase meaningful contact between outreach workers and individuals in need of assistance who were inappropriately sheltering onboard subway trains. The expectation was that this increased level of interaction would encourage more individuals to leave the trains and accept supportive services.

The program brought several innovations to the outreach activities that DHS had previously authorized through its contract with BRC. First, the program shifted some BRC outreach workers from elsewhere in the subway system to EOL Program stations during the hours of 12 a.m. to 5 a.m. (The locations were chosen based on the number of individuals reported to be sheltering on the trains terminating at those stations.) Second, the program authorized BRC workers to engage with individuals onboard the trains rather than only in the stations and on the platforms, which had been DHS's prior approach. Third, to ensure the safety of the outreach workers, the EOL Program required law enforcement officers to accompany them onto the trains. Fourth, this assignment called for MTAPD to be authorized, for the first time in its history, to work in the subway system. To accomplish this task, MTAPD entered into an agreement with NYPD to clarify the 2 police forces' respective duties. The program began in August 2019 at 4 stations and had expanded to 8 by October 2019; as originally designed, it effectively went on hiatus with the advent of the Essential Service cleaning program on May 6, 2020.

1. The Available Outcome Measures Show No Meaningful Impact from the End-of-Line Program, at Significant Cost

As discussed previously, subway delays and customer complaints have shown no sustained, meaningful improvement since the EOL Program began. And while we cannot say how many more homeless individuals received a shelter placement or accepted services as a result of EOL Program outreach than would have done so without the program, its overall impact appears to be very small compared to the cost.

While the OTDA staff assigned to the EOL Program represented new resources, BRC shifted outreach workers to the designated locations who had previously been assigned to work elsewhere in the subway system under the contract with DHS. Whether BRC's interventions under the EOL Program resulted in more Service/Placements than they would have otherwise is impossible to determine, because OTDA's and BRC's placement figures were reported as a combined figure.

From August 24, 2019 through February 18, 2020, OTDA recorded a combined 2,562 Service/Placements under the EOL Program. While this is a substantial number, over the nearly 6-month period and 116 nights of activity, an average of just 3 Service/Placements occurred per night at each location. Given that at least 10 people were assigned to each EOL Program site – typically 7 MTAPD officers providing security, at least 3 outreach workers, plus personnel from OTDA and/or DHS – this low outcome figure raises questions about the value and efficacy of this significant effort.

Regarding the project's additional cost, MTA's principal expenditure was for the services provided by MTAPD officers accompanying the outreach workers. OIG learned that MTAPD did not have a dedicated budget for the program and thus redirected funds from other enforcement efforts. However, the agency did track EOL Program overtime expenses by month. From August 2019 through February 2020, MTAPD spent \$2.6 million on officers' overtime for this work. Notably, this figure does not include the straight-time salary payments made to some officers assigned to the program, a number of whom had recently been hired as part of the MTA's planned expansion of the police force.

2. The 2019 Initiative, Designed in Good Faith, Could Not Achieve MTA's Primary Goals

The Task Force sought to develop a plan for reducing the number of homeless individuals in the subway system. However, the EOL Program as designed did not achieve this goal because the homeless individuals, for the most part, did not leave the trains or accept services. On the nights OIG staff observed the program, dozens of apparently homeless individuals stayed on the trains for every 1 that accepted services. The regular removal of large numbers of individuals from trains and stations represents a deeply challenging task. We identified several key enforcement and operational factors that prevented the EOL Program from achieving the MTA's goals. An OTDA official told us that the program could have been much more effective if these factors had been addressed as part of its implementation.

a. Enforcement

During OIG's observations of overnight activity at EOL Program sites in February 2020, we learned that MTAPD officers often believed they had no valid grounds for removing individuals from most trains. Specific concerns included these:

- At the time of our observations, only when a train was going out of service were all riders required to exit the train. Thus individuals could continue sheltering on trains that arrived at a terminal station but left again to begin a new run.

- If someone was violating the NYC Transit Rules of Conduct, e.g. by lying on a seat, the officers would ask them to comply. If the individual did so, the officers expressed the view that they had no grounds for removal.
- In excessively cold weather or inclement conditions, we learned that MTAPD officers cannot, by law, direct homeless individuals to leave the station.⁸
- An MTAPD official told us that the use of traditional law enforcement tools, i.e. arrests and summonses, is ineffective in this context and with this population.

In addition, before any significant number of individuals will *voluntarily* leave the subway, adequate numbers of outreach workers must be available to provide assistance and transportation – and the individuals must be willing to accept that offer.

In some cases, outreach workers determine that a person sheltering in the subway system is unable to care for themselves and requires immediate assistance. Section 9.58 of the New York State Mental Hygiene Law governs the process by which such individuals can be *involuntarily* taken to a hospital for observation, medical treatment, and social services.⁹ In the early months of the EOL Program, OIG learned that some outreach teams occasionally included “9.58-certified” staff people – personnel who have this legal authority because of their training and professional credentials. Some MTAPD officers told us that having this capability on the joint outreach/enforcement teams was helpful in providing appropriate care to individuals in need, particularly those suffering from persistent mental illness.

b. Operations

OIG observed 2 significant operational obstacles to the success of outreach efforts onboard trains.

- First, the EOL Program suffered from a lack of coordination among (1) the schedules for train service, particularly the planned dwell times at terminals for trains remaining in service, (2) the deployment of cleaning crews, and (3) the location assignments for BRC outreach workers. OIG learned that the visible presence of cleaners made it easier for MTAPD officers to clear the trains, thereby allowing outreach workers to engage in more productive conversations with individuals on the platform. However,

⁸ According to [DHS](#), “A Code Blue Weather Emergency notice is issued when the temperature drops to 32 degrees Fahrenheit or less between 4 p.m. and 8 a.m., including National Weather Service calculations for wind chill values.” Police officers, outreach workers, and social service providers must follow specific protocols during a Code Blue.

⁹ See <https://www.nysenate.gov/legislation/laws/MHY/9.58>.

because train cleaning schedules and staffing levels were not aligned with the EOL Program locations and outreach plan, cleaners were not always on site when MTAPD officers attempted to clear the trains. This made it more difficult for the officers to encourage people to leave the train and reduced outreach workers' ability to engage in meaningful interactions.

- Second, even when cleaning personnel were present at terminal stations, they were unable to clean each car thoroughly because homeless individuals remained onboard while the trains stopped only briefly. The challenge worsened significantly as the pandemic caused NYC Transit leadership to implement more extensive cleaning and disinfecting protocols – a situation that gave rise, in part, to the April 29, 2020 changes to the Rules of Conduct. One new provision of the rules states: “No passenger on a subway train may remain on the train or in the station after the train enters a terminal station and passengers have been instructed to leave the train because it is being taken out of service.”¹⁰ However, this applies only to trains being taken out of service and only during a Governor-declared disaster emergency relating to public health. Thus the language does not cover all of the trains where individuals might be sheltering and will not be applicable once the pandemic crisis has passed.

As it plans for the post-pandemic operating environment, NYC Transit should consider changing its rules once again, this time to require all passengers to leave the train at its last stop – every train, every day. This would give cleaners additional access to the trains and also increase the likelihood that outreach workers could engage with homeless individuals on the platforms.

However, several challenges would remain: (1) the agency would be unable to enforce this requirement without significant support from NYPD; (2) NYC Transit would need additional cleaning capacity to take full advantage of the opportunity; (3) such a change would affect the train schedule; and (4) without the intense engagement of NYC DHS, homeless individuals who left a train could immediately board another, reboard the same train after it was cleaned, or take shelter elsewhere in the station or other MTA space, such as a bus.

3. Post-Pandemic: The EOL Program Needs to be Reconsidered

In a positive development, effective April 29, 2020, MTA strengthened the NYC Transit Rules of Conduct to provide more authority for law enforcement personnel to remove individuals who are not traveling to specific locations but are instead using the system for shelter. For example, the [revised rules](#) clarified that non-transit users “include remaining in the paid fare zone of a particular subway station for more than one hour.” In addition, NYPD greatly increased its

¹⁰ See 21 NYCRR 1050.6(h).

own enforcement efforts at end-of-line stations. Both of these critically important changes laid the groundwork for the implementation of the Essential Service cleaning program and system-wide station closures beginning on May 6, 2020 at 1 a.m.

Looking ahead, NYC Transit leadership will soon be deciding how, and at what level, to reinstitute an end-of-line outreach/enforcement protocol when the pandemic crisis eases and the Essential Service cleaning program ends. The agency should carefully evaluate both the true costs and benefits of the current EOL Program and the likely effectiveness – and direct impact on its ridership – of any operational changes it might consider. More generally, MTA must work with its partners in social services and law enforcement to improve the agencies' coordination and communication in any new program they design. This will help ensure that MTA can achieve its objectives regarding health and safety, service levels and reliability, enforcement, cleaning, and outreach to those in need.

D. MTA Can Control How Best to Direct Its Contractor and Use Its Resources Most Efficiently

1. OIG Investigators Could Account for the Whereabouts of BRC Personnel

During OIG's initial review, investigative staff observed Penn Station over the course of 1 week and found it difficult to locate outreach staff who were actively involved in making contact with homeless individuals. However, after conducting interviews and reviewing documentation of the MTAPD and BRC, including reports, video, timesheets, and activity logs, OIG found that the personnel could be reasonably accounted for on those days. Further, BRC staff appeared to be fulfilling the requirements of the contract governing outreach efforts in Penn Station. We conclude that outreach workers' absence from regular public view is not indicative of their compliance with their contract. There are many required activities that take place out of sight; for example, when an individual accepts services, the outreach worker talks with them to obtain additional information, fills out forms in the office, and then transports the client for placement – a process that can take hours.

2. Poor Information Hinders Contract Oversight

In the absence of accurate and reliable performance measures related to the impact of homelessness on the MTA's operation, agency managers face significant obstacles in reaching their goals. In addition, deficiencies in data collection and reporting make it difficult for the MTA to provide adequate oversight of its contractors, including the BRC. OIG identified opportunities for improvement in 3 key areas.

a. Performance Metrics and Standards

The primary metric used to evaluate BRC's performance is Contacts, which measures activity, not outcomes. The traditional ratio of 100 Contacts to 6 Service/Placements is mentioned in the contract between the MTA and BRC, the contract between DHS and BRC, and the MTA's MOU with DHS. However, as noted above, Contacts do not directly reflect MTA's key priority: the reduction in the number of individuals sheltering in transit facilities. Further, because the figures on Service/Placements do not reflect the number of homeless individuals actually placed in a shelter, MTA currently lacks both a valid way to document and monitor BRC's success in achieving this outcome and an effective lever to influence future outreach efforts.

OIG's review also found that MTA's direct contract with BRC did not include schedules and other key activity metrics for either outreach workers' direct field outreach tasks or their administrative case-management work in MNR and LIRR facilities. This meant that the desired balance between these 2 important efforts was undefined. When OIG staff spoke with BRC and MTA officials, they were unable to provide OIG with a clear understanding of the MTA's expectations on this topic.

In a positive development, MTA officials told OIG that the agency has improved its oversight of BRC by establishing additional data collection requirements and metrics; MTA plans to use these tools to make the contract performance standards more meaningful and quantifiable. In addition, we learned that MTA officials are working to strengthen 3 areas in which they have found BRC's performance to be lacking: supervision, training, and documentation. However, these performance standards are not yet documented.

b. Sharing Information

Under the MOU covering the subway system, BRC is responsible for providing information to MTAHQ Homeless Outreach Services regularly and in a form that MTA can use to measure progress, collaborate with operational divisions on areas of concern, and report to leadership. However, OIG's reviews found that BRC was not complying consistently with this requirement – and that the MTA was not always diligent in requesting the data. OIG learned that MTA has strengthened its oversight of this requirement and is withholding funds until the information is provided. The lack of timely information from BRC has limited the ability of MTA management to oversee this activity effectively and impeded OIG's ability to evaluate the overall program's strengths and weaknesses.

OIG learned of another obstacle to the seamless sharing of information. MTAHQ Homeless Outreach Services and DHS use two separate computer systems to capture data about outreach activity in the transit system: MTA's Homeless Outreach Program (HOP) Database and DHS's Client Assistance and Rehousing Enterprise System (CARES). However, the two systems were not configured in tandem and do not share information automatically, hampering both agencies' data collection and evaluation efforts.

c. Using Available Information

As noted above, OIG's reviews revealed that the MTA does not always use the information it receives regarding its contractors' activities. For example, under the MTA's direct contract with BRC for work in the commuter rail facilities, BRC employees are required to submit daily activity reports for each shift at GCT and Penn Station. We found that while the reports are submitted, MTA staff members have not consistently used the information for contract oversight or management purposes. And because the daily reports measure activity and not outcomes, their ultimate value to MTA management is unclear. This represents another example of a situation noted above: Although there is a substantial flow of information among the parties responsible for issues related to homelessness, some of it might not be worth the time it takes to collect, tabulate, and report.

The Essential Service cleaning program, begun on May 6, 2020, has significantly altered the activities BRC is providing in the subway system from 1 a.m. to 5 a.m. When the current pandemic crisis has passed, BRC outreach workers likely will take up a revised set of duties, perhaps under a revamped end-of-line protocol. In both the short term and the longer term – and in the subway system and the commuter rail properties – MTA should determine what information it requires from BRC, DHS, and other partners to ensure that outreach and enforcement efforts are aligned and likely to help the MTA achieve its goals. If new metrics are needed, MTA should work to develop them and include them in both its contract with BRC and the MOU with DHS. In addition, MTA should ensure that it is effectively using its valid information on subway delays and customer complaints to support effective oversight of its service providers.

MTA should create a comprehensive and reliable system for turning raw data about the impact of homelessness on its operations into accurate information and useful knowledge. This will help management develop a clear picture of what is happening, design workable options, and evaluate its activities.

IV. CONCLUSION

MTA's leaders face an unprecedented challenge as they cope with the impacts of the coronavirus pandemic. In the short term, they must protect the health of MTA employees, honor the lives of colleagues who have tragically been lost, and maintain safe and reliable services for essential workers. At the same time, leaders at every operating agency must prepare for the eventual return of a ridership whose confidence has been shaken by the developments of recent months. Management will accomplish this by maintaining safe, clean, and secure conditions on the buses, subways, and commuter railroads.

The agency's approach to the issue of homelessness should reflect the disciplined, data-driven management methods that MTA has recently begun to adopt across all of its operating agencies, as it works to modernize and transform its operations. For example, MTA should first develop its own specific, measurable goals related to homelessness and then work with the relevant stakeholders to determine how best to achieve those goals. At that point, the agency can revise its direct contract with its outreach provider and the MOU as needed to ensure that all of its activities – whether delivered directly or via a third-party provider – are in alignment.

Once the redesigned initiatives are implemented, MTA managers should use credible and timely data to monitor and report progress on an ongoing basis and should adjust their approach as needed to meet the operating agencies' changing needs. From good data comes valuable knowledge.

The true long-term solution to this multifaceted and complex problem – the availability of adequate shelter for individuals across the MTA's service area – lies completely outside the MTA's control. Thus the MTA must work to reduce the impacts of the problem on its operation in cooperation with the dedicated, experienced social service professionals and law enforcement officials working at the state and local levels.

V. RECOMMENDATIONS

To improve its management of the impact of homelessness on MTA's operations, agency leadership should take the following actions:

- **Collect clear data on the numbers of individuals reached through diversion programs:**
 1. While the Essential Service cleaning program is in place, determine the number of unique individuals who have left the subway system and are receiving assistance, including shelter placements.

2. When the Essential Service cleaning program ends, implement a method for determining the number of unique individuals who leave the subway system (including Grand Central Terminal and Penn Station) and receive assistance, including shelter placements.
3. Work with New York City counterparts to track the fundamental outcome measure: the number of individuals truly diverted from sheltering in the subway system (including Grand Central Terminal and Penn Station), i.e. those removed who do not return for non-travel purposes.
4. Evaluate the benefits of the counts performed by NYC Transit Division of Car Equipment personnel, and take action to discontinue, revise, or expand this activity as appropriate to meet NYC Transit's needs.

Agency Response: In its June 10, 2020 response to our Draft Report, the agency addressed these 4 recommendations as a group. It stated:

“i) Collecting clear data on the number of individuals reached through diversion programs and improving all information relied upon for managerial decision-making.

“The MTA agrees that better and more clear data will enhance its ability to accomplish the transportation-oriented goals of addressing misconduct of certain homeless persons in order to reduce the adverse impact on the comfort, health and safety of our riders and the efficient operation of the transit system. The MTA has already taken steps to improve the information we have access to. We agree that the sources of data the MTA are currently using, such as MTAPD’s Daily Synopsis Report and BRC’s Transit and Commuter Rail Outreach Activity Reports, need to be more consistent and reliable in their assessment of how many homeless persons are actually being diverted away from sheltering in the subway system. We recognize that obtaining consistent and more complete data will allow the MTA and other agencies to more appropriately allocate its resources and target the relevant misconduct.

“As noted in the IG Report, determining a true ‘count’ of the number of unique individuals diverted to the homeless services that the City has the responsibility to provide, such as medical and mental health services and shelter placement, would require significantly more coordination and cooperation between New York City, the MTA sponsored outreach provider, and the MTA. It would seemingly also require long term tracking of individuals. To be clear, we do not believe that tracking the population of individuals who are successfully (or unsuccessfully) diverted away from

the MTA system is our responsibility or an appropriate use of MTA resources. Some of these individuals may take up long term placement in City shelters, some may move on to permanent placement in housing, some may move to other cities or states, some may live on the streets long term. It is hard to imagine that the MTA could be successful in tracking these individuals. While we are interested in doing all we can to understand and improve our partners' rates of success in getting homeless individuals to accept services, our priority must remain on our own system."

[OIG clarification: The OIG does not expect MTA itself to track individuals through to receiving services and placement. Instead, the agency should establish a data collection process to allow this to occur and should expect their contractors and those contracted through the City to provide this outcome information.]

"Your report also raises an important point about our upcoming MOU negotiations with the Department of Homeless Services ('DHS'). While DHS has thus far declined to adopt reduction targets for homeless persons sheltering in the transit system, we plan to insist on targets as a necessary outcome metric as part of these negotiations.

"Given the lack of requested and necessary data from the City, MTA began conducting its own census in the transit system on May 1, 2020. To be clear, we do not believe that we are the appropriate entity to attempt to 'count' homeless personnel in the system – as we know we are not expert in identifying who is or isn't experiencing homelessness, unlike the many organizations and entities that are both expert in this process and are funded to do such work. That said, we believe any additional data will be useful data, and thus we are using MTA 'counter' personnel who are tasked with conducting bi-weekly counts of individuals sheltering in the system at twenty-four (24) high density End-of-Line (EOL) stations. It is unlikely that any count that we conduct will be precise, but we believe establishing a baseline count, and potentially a subsequent and routine count, may be useful to our partners."

- **Make decisions going forward that consider the cost-effectiveness of intervention programs:**
 5. Determine whether to institute a new enforcement/outreach program at end-of-line subway stations after the Essential Service period ends – and if so, how broad its scope will be. This decision-making process should include lessons learned from the Essential Service cleaning program and an evaluation of the benefits and costs of the original EOL Program.

6. Determine the feasibility of changing the subway Rules of Conduct to require all passengers on every train to leave the train at its last stop.
7. Before any new enforcement/outreach program is established, hold discussions with partner agencies to clarify roles, define performance metrics that support MTA's goals, and assign responsibility for gathering and reporting accurate data about the program's impact.

Agency Response: In its response, the agency addressed these 3 recommendations as a group. It stated:

“ii) Making decisions going forward that consider the cost-effectiveness of intervention programs.

“The MTA agrees that it needs to consider the cost-effectiveness of participation in any intervention program, at any level. The MTA's financial situation is absolutely dire. We agree that in-depth discussions should be held with partner agencies before any new enforcement/outreach programs are established – in order to clarify roles, define performance metrics, define clear goals and assign responsibility for gathering and reporting accurate data about any program's impact. Generally, our position is that the MTA is not the appropriate entity to staff or fund any homeless services program.

“The MTA is working to address the IG's suggestion to make further amendments to the NYCT Rules of Conduct to expand and clarify the types of conduct that are prohibited for purposes of reducing sheltering in the system. We are supportive of this recommendation and note that NYCT recently made certain modifications to the Rules of Conduct to do just that, including the addition of a rule prohibiting individuals from remaining in the paid fare zone of a particular subway station for more than one hour and prohibiting wheeled carts greater than thirty inches in either length or width. We intend to work in coordination with the NYPD and MTA Police to achieve regular enforcement of these rules.”

- **If the MTA is to continue spending millions annually on homeless services it must provide more rigorous oversight of its providers:**

8. In MTA's contract with BRC and in the Memorandum of Understanding between MTA and NYC DHS, require the tracking of appropriate evaluation metrics – i.e. measures of outcomes, activity, and time spent on field outreach and case management tasks – to ensure that the contractor(s) are performing according to

expectations and that activities reflect MTA's priorities.

9. Establish a process for MTA staff members to assess providers' performance regularly, offer clear feedback on areas requiring improvement, conduct follow-up reviews to ensure that corrective actions are implemented timely, and report the results of the reviews to the leadership of MTA and the operating agencies.

Agency Response: In its response, the agency addressed these 2 recommendations together.

“iii) Providing more rigorous oversight of providers.

“The MTA agrees that greater oversight of its providers would be beneficial. The MTA has established a small team of analysts to provide support to the [Homeless Program Office, HPO], and the HPO team is negotiating amendments to the MOU to include new performance metrics and monitoring provisions and to address issues related to oversight, staff deployment and data access.

“We greatly appreciate the OIG's efforts and recommendations. Working with the NYPD, the City and other stakeholders, we intend [to] affect a coordinated and successful use of resources to reduce the number of individuals sheltering in the transit system and engaging in related misconduct that impacts the safety, health and confidence of our riders and the efficient operation of the transit system.”