



TIMELINESS OF NYC TRANSIT'S POST-ACCIDENT ALCOHOL TESTING – FINAL

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I. EXECUTIVE SUMMARY

After a serious accident involving a bus or subway train, New York City Transit (NYC Transit, Transit or agency) tests safety-sensitive employees who were involved to determine whether their performance might have been impaired by the use of alcohol. This post-accident testing (Test or Tests) is intended to prevent future accidents, injuries, and fatalities.

The timeliness of testing is crucial; the longer the elapsed time between accident and test, the higher the likelihood that an employee's impairment on the job might continue undetected and unaddressed, presenting a risk to themselves, the public, other employees, and agency property. In addition, timely testing can help the agency identify employees in need of supportive services. Recognizing that alcohol is eliminated by the body fairly rapidly, the Federal Transit Administration (FTA) requires that alcohol tests be conducted as soon as practicable, and if the test is not performed within 2 hours of the accident (a Delayed Test), NYC Transit must document the reason for the delay. FTA guidelines also require NYC Transit to test employees for possible drug usage as quickly as possible following an accident, but because drugs linger in the bloodstream longer, this test can be administered up to 32 hours after the event.

The Office of the MTA Inspector General (OIG) sought to determine whether NYC Transit followed the applicable guidelines when testing Department of Subways (Subways) and Department of Buses (Buses) employees involved in accidents. Unfortunately, we found that NYC Transit was not conducting the great majority of post-accident alcohol tests within the recommended 2 hours. Our current review further revealed that the logistical obstacles to testing employees timely, as well as agency management's lack of urgency to improve the situation, have both persisted for 20 years: OIG released reports in [1999](#), [2006](#), and [2019](#) all making it clear that delayed testing needs to be prioritized and barriers to timeliness must be resolved.

In July 2020, we shared our Draft Report with NYC Transit for comment. The Report contained 4 recommendations intended to improve the timeliness of the testing process. In its December 4, 2020 response, the agency accepted the OIG recommendations with expected implementation dates for Q3 and Q4 2021. Notably, NYC Transit stated that while it is in

compliance with FTA testing regulations, “NYCT agrees that timely post-accident testing is an important safety priority” and noted that the “major challenge remains completing testing prior to expiration of the 2-hour time limit goal.” The agency further stated that the OIG Report “will further our goal of safe transportation and a safe workplace.” NYC Transit’s specific responses appear in the Recommendations section at the end of this Report.

A. Summary of Findings

- In recent years the vast majority of post-accident alcohol tests were delayed, and the problem has gotten worse since OIG issued reports on this topic in 1999 and 2006. Testing was found to be frequently delayed each time the measure was analyzed by OIG, with the worst performance found during our current review. On average, during 2017 to 2019, 90.0% of the tests for MTA Buses (Buses) employees and 88.5% of the tests for MTA Subways (Subways) employees were completed more than 2 hours after an accident. Notably, we confirmed that the NYC Transit managers and operational personnel who are best positioned to improve the post-incident testing process were unaware of the extent of these delays.
- For both Buses and Subways (collectively, the Departments), the most significant cause of testing delays was the duration of investigations conducted at the accident scene. For Subways, investigations accounted for the largest proportion of delayed Tests; for Buses, the time required for the employee to travel from the accident scene to the NYC Transit medical center where the tests are conducted was also a substantial factor. OIG acknowledges that these logistical barriers to timeliness are difficult to surmount, but NYC Transit has not made concerted efforts to seek solutions.
- Although for more than 20 years OIG has recommended that NYC Transit management consistently track and evaluate compliance with the 2-hour guideline to identify ways to improve, this has not happened. The agency’s management of this important safety program is lacking in accountability, communication, and the assurance of information quality. As in previous reviews, OIG found that NYC Transit had not assigned responsibility for collecting information on the frequency of delays, implemented procedures to review testing statistics, or planned for how to improve timeliness in testing. In addition, poor communication among Buses, Subways, and the Division of Occupational Health Services (OHS) likely prevented the agency from identifying the causes of delays. Further, the operating departments lacked accessible, reliable records that would allow them to analyze testing delays.

B. Recommendations

1. NYC Transit must promote accountability by designating a particular unit or individual within Buses and Subways to be responsible for capturing and analyzing information about the timeliness of post-accident testing.
2. The responsible units or individuals within NYC Transit should track the timeliness of post-incident alcohol tests and the causes of any delay for tests that were not completed within 2 hours.
3. A report on timeliness and agency efforts to meet the 2-hour guideline should be communicated to agency leadership quarterly and to the Safety Committee of the MTA Board annually.
4. The agency should establish a process for Buses, Subways, OHS, and the NYC Transit Office of System Safety (System Safety) to collectively and continuously evaluate methods to expedite the testing process, including the use of on-scene test kits by MTA employees or a contracted service provider, and to report the results of the evaluation to agency leadership and the Safety Committee of the MTA Board annually.

II. BACKGROUND

A. Federal and NYC Transit Requirements for Post-Accident Testing

FTA regulations require NYC Transit safety-sensitive employees to undergo testing for possible alcohol and drug usage whenever a Transit vehicle accident results in a fatality, an individual suffering bodily injury that requires medical treatment away from the scene, or a revenue vehicle being towed or removed from service. For less severe accidents that do not meet the above criteria for an FTA-covered test, NYC Transit has established detailed policies and procedures that mirror the FTA regulations governing alcohol and drug testing.¹ In addition, NYC Transit's largest operating departments, Buses and Subways, have developed their own protocols for post-accident testing.²

¹ See NYC Transit Authority's *Drug & Alcohol Policy Statement - #4.30.1*, August 29, 2018, and *NYC Transit Authority Policy Instruction, Alcohol*, January 14, 2014.

² For the purposes of this Report, Buses includes MTA Bus employees and Subways includes Staten Island Railway employees.

Because the timeliness of post-accident testing is critically important as alcohol is quickly eliminated by the body, the FTA requires that alcohol breath Tests be conducted “as soon as practicable following an accident.”³ The FTA recommends that employees be tested for alcohol within 2 hours – and no more than 8 hours – after the event. When a Test is not performed within 2 hours, FTA regulations require NYC Transit to document both the occurrence of the delay and the “reasons why the test was not promptly administered.”⁴

OIG began this review by evaluating the timeliness of both the agency’s drug *and* alcohol testing processes, but our initial analysis showed no delays related to drug testing – which was unsurprising, given the 32-hour allowed timeframe. The real difficulty lies in meeting the short timeline for alcohol testing, and the remainder of this Report will solely address that challenge.

B. The Post-Accident Process

The post-accident process begins at either the Bus Command Center or the Rail Control Center (collectively, the Centers). After being informed of an accident, the Centers’ dispatchers notify the relevant operating departments and direct the appropriate emergency personnel to the scene. For Buses, designated on-call managers and/or supervisors (collectively, the Responders) travel to the accident site, usually via a company vehicle. For subway accidents, these Responders usually travel via public transportation.

Buses and Subways personnel conduct departmental investigations for each accident. Depending on the severity of the accident, other investigating entities might become involved, including System Safety and the New York City Police Department (NYPD). Notably, NYPD personnel are in charge of the initial post-accident investigation; their operational command includes control over the interviews of bus operators and train crew members.

After a bus accident, Responders from the Road Operations Unit are responsible for deciding whether the employee should undergo testing for possible alcohol usage; for subway accidents, a Rail Control Center superintendent makes this assessment. As noted above, in certain cases federal law requires all of the employees present to be tested. In other cases, agency supervisors may use their judgment in determining whether to require testing.

³ See 49 CFR § 655.44 (a)(1)(i) and (a)(2)(i).

⁴ See 49 CFR § 655.4 (a)(2)(ii).

A supervisor selected by Road Operations Unit or the Rail Control Center must escort the employee to the nearest open NYC Transit Medical Assessment Center (MAC), where a trained technician performs the Test.⁵ OHS operates 5 MACs across the city:

- Downtown Brooklyn: open 24 hours a day, 7 days a week
- Manhattan (207th Street): Monday–Friday, 8:00 a.m.–8:00 p.m.
- Coney Island, Queens, and Staten Island: Monday–Friday, 8:00 a.m.–4:00 p.m.

C. Prior OIG Work on Post-Accident Testing

This review is a follow-up to [OIG's 2006 report](#) on the timeliness of testing and related topics; that report was itself a follow-up to a [report OIG released in 1999](#). Both reports stated that timeliness in post-accident testing represented a major challenge for NYC Transit. The 2006 report further stated that not only were Tests frequently delayed, but the Delayed Tests and the causes of their delays were not documented in accordance with FTA requirements. In addition, the forms that NYC Transit responders were using at the time to document accidents and to record which employees were sent for testing were missing crucial fields needed to properly record and calculate delays.

The 2006 report resulted in a total of 14 recommendations for NYC Transit management and OHS staff. As we discuss below, our current review found that NYC Transit failed to implement several of these recommendations over the intervening 15 years, thus missing an opportunity to improve its testing practices.

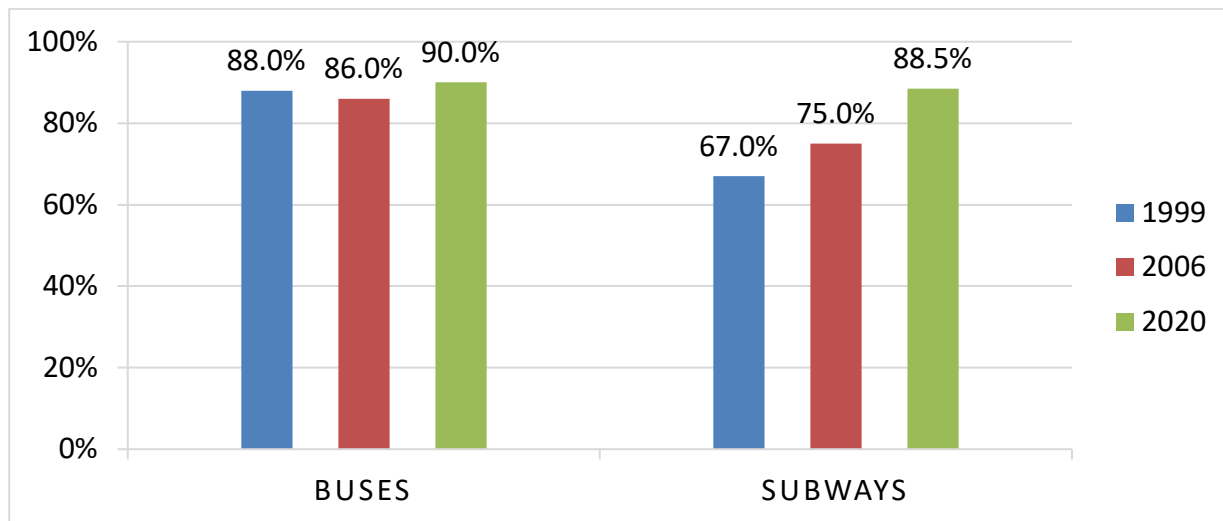
⁵ If the employee complains of a physical injury or emotional trauma following the accident, the supervisor initially escorts the employee to a local hospital instead of the MAC.

III. FINDINGS

A. The Vast Majority of Tests Are Delayed: A Persistent Problem

OIG analyzed OHS data on post-accident Tests conducted between January 1, 2017 and December 31, 2019 and found that the percentage of Delayed Tests was at 90% and 88.5% for Buses and Subways respectively, as illustrated in Exhibit A below. As the graph also shows, the percentage of Delayed Tests has remained stubbornly high for 20 years.

*Exhibit A: Percentage of Post-Accident Alcohol Tests Delayed, NYC Transit Buses & Subways
Per OIG Analyses in 1999, 2006, and 2020*



Source: OIG analysis of data from Cority records system (NYC Transit) and PeopleSoft (MTA Business Service Center). *Note:* The 2020 figure is for the 3-year period from 1/1/2017 through 12/31/2019.

In addition to the increase in delays between 2006 and 2020, trends in the past 3 years show no significant progress. Between 2017 and 2019, Subways had a very slight decrease in Delayed Tests (3.1%), while in Buses the percentage of Delayed Tests actually *increased* by 0.8%.

Delayed Tests are of significant concern because the longer the elapsed time between accident and Test, the greater the likelihood that an employee's impairment might remain undetected. According to FTA guidelines,⁶ employees with a Blood Alcohol Content (BAC) of

⁶ See 49 CFR § 655.35(a).

between 0.02 and 0.039⁷ are relieved from duty for a minimum of 8 hours and are not penalized further. An employee who receives a BAC result of 0.04 or greater must immediately be pulled out of service.⁸ Timely testing is also crucial if the agency is to provide assistance to eligible NYC Transit employees who misuse alcohol and to identify those employees subject to discipline (up to termination).^{9,10}

When we discussed the results of our analysis with Buses and Subways, several officials expressed surprise at the high proportion of Delayed Tests. While some managers said that they had heard anecdotally about specific instances of delays, no one had conducted a formal analysis to quantify the problem, even after OIG reports had shown this to be a problem for 20 years. We learned that no one in Buses, Subways, or OHS was responsible for tracking and reporting on delays in post-accident testing, and thus management was unaware of the agency's lack of compliance with federal guidelines and NYC Transit's own policy.

B. Because Alcohol Metabolizes Rapidly, Delays Obscure True Conditions

Our analysis of Test data revealed that from January 2017 to December 2019 only 7 of the roughly 10,600 employees tested after an accident – including 4,000 Subways employees and 6,600 Buses employees – had a BAC of 0.02 or greater.¹¹ While it is encouraging that the apparent rate of alcohol usage among the NYC Transit employees tested during this period appeared miniscule, without timely tests we cannot determine how many employees actually had alcohol in their system when an accident occurred.

⁷ NYC Transit medical staff record the BAC level on a Request for [Medical] Services (G-46) Form as an interval, not a single number: Employees can have a BAC that is *less than 0.02* (including 0.00), *between 0.02 and 0.039*, and *0.04 or greater*. Note that the regulations do not address BAC levels less than 0.02 because the ingestion of non-prescription medications and other common products containing traces of alcohol can lead to false positive test results.

⁸ See 49 CFR § 655.61(a)(2).

⁹ An employee's eligibility for assistance depends on various factors, including their bargaining unit, past history of alcohol use, and permanent employment status. For example, employees with less than a year on the job are immediately terminated after a positive test.

¹⁰ See NYC Transit Authority's *Drug & Alcohol Policy Statement - #4.30.1*, August 29, 2018, Appendix III.

¹¹ An 8th employee, a Subways Supervisor, refused to take a Test, which according to FTA regulations constitutes a positive test. Because NYC Transit was not able to obtain a BAC level for this employee, we did not include this instance in our positive Test sample.

Although individuals' metabolism rates vary by gender, weight, and other factors, the body eliminates alcohol at an average rate of 0.015 grams per 100 mL per hour. This fact can help clarify the risk that Delayed Tests present. For example, when the bus operator in one FTA-covered accident was tested at the MAC in Queens, his BAC result was found to be between 0.02 and 0.039. This bus operator was tested 3 hours and 49 minutes after the accident involving his bus.¹² Assuming conservatively that the bus operator's BAC was 0.02 at the time of the Test, and assuming a 0.015 per hour elimination rate, if the operator had been tested 2 hours earlier in accordance with FTA guidelines, his BAC would have been 0.05 – *well above* the FTA limit of 0.04. Thus, the delay in testing likely prevented the agency from exercising its authority to discipline the employee for his alcohol use.

It is important to note that the 7 positive tests occurred at least 2 hours after the respective accidents and were therefore Delayed Tests. Had these 7 employees been tested within 2 hours, their BAC levels might have been at or above the 0.04 level. If so, the employees' unacceptable and risky behavior would have been revealed, and the agency would have been obligated to take appropriate disciplinary action.

C. Departmental Investigations and Travel Time Are The Top Causes of Delayed Tests

As part of our current review, we sought to determine the causes of Delayed Tests and evaluate NYC Transit's processes for identifying and remedying causes of delays. For each employee present at the scene, a Responder must complete an Accident Description Report (ADR), which provides a brief synopsis of the accident and states whether the employee should be tested, and if not, why. The ADR also includes a designated space for the Responder to indicate whether the test was administered within 2 hours, and if not, to explain the primary reasons for the delay.

To identify the specific causes of Delayed Tests, we reviewed the ADRs for 20 bus and 30 subway accidents from January 2017 – June 2019. We found that investigations at the accident site were the primary cause of the Delayed Tests for both Buses and Subways. Travel time to the MAC was the next leading cause for Buses, as shown in Exhibit B, but was cited less often in Subways' reports. The tables below list all of the causes that supervisors noted on the forms and their frequency, first for Buses and then for Subways.

¹² The Responder who reported the details of this accident attributed the delay in testing to "investigations by multiple supervisor[s]."

**Exhibit B: NYC Transit Buses – Factors Contributing to Testing Delays,
20 ADRs, Jan. 2017–June 2019**

Buses: Factor Contributing to Delay	Count of Citations (Note a)	% of all Citations	% of 20 ADRs Citing This Factor
Investigation (Note b)	20	40.8%	100.0%
Travel time to MAC	15	30.6%	75.0%
Waiting for supervisor	8	16.3%	40.0%
Emergency medical treatment/ Hospital	4	8.2%	20.0%
Paperwork	2	4.1%	10.0%
Total	49	100.0%	

Notes: (a) the *Count of Citations* and *Percentage of 20 ADRs* columns do not add up to 20 and 100%, respectively, because supervisors noted between 1 and 4 contributing factors for each accident on the ADRs; and (b) includes 4 variants: “accident,” “unspecified,” “departmental,” and “police” investigations.

**Exhibit C: NYC Transit Subways – Factors Contributing to Testing Delays,
30 ADRs, Jan. 2017–June 2019**

Subways: Factor Contributing to Delay (Checklist)	Count of Citations (Note)	% of all Citations	% of 30 ADRs Citing This Factor
Departmental investigation	22	53.7%	73.3%
Police investigation	9	22.0%	30.0%
Emergency medical treatment/ Hospital	4	9.8%	13.3%
Travel time to MAC	3	7.3%	10.0%
Train operator required to lay-up train	2	4.9%	6.7%
No cause given	1	2.4%	3.3%
Total	41	100.0%	

Note: The *Count of Citations* and *Percentage of 30 ADRs* columns do not add up to 30 and 100%, respectively, because supervisors noted between 1 and 4 contributing factors for each accident on the ADRs.

When we discussed the results of our analysis with officials in Buses, Subways, OHS, and System Safety, they agreed that the duration of the agency’s initial on-site investigations and – for Buses – the travel time to the MAC were major causes of Delayed Tests. Several officials also mentioned NYPD’s investigations as a frequent contributor to delays. As we discuss further

below, the officials acknowledged that the agency has long recognized these factors as problematic – as did OIG in our 2006 report.

1. Investigations at the Incident Site Postpone Employee Departure

As mentioned above, Buses and Subways conduct their own investigations on site after an accident. Other NYC Transit entities also perform investigations as necessary; key among these is the Office of System Safety, which evaluates serious accidents, usually those that meet the FTA criteria. All the investigations include interviews with the employees who were involved in the event, but the timing of the interviews can vary. The departments always conduct employee interviews at the accident site; however, a System Safety official told us that in order to reduce delays in testing, his group conducts virtually all employee interviews at the System Safety offices *after* the employee has been tested, as permitted by agency policy.¹³

The Centers' personnel decide whether to request police presence at the scene, which they typically do after serious accidents, e.g. those resulting in injuries or fatalities. NYC Transit officials told us that an NYPD investigation can delay the testing process by up to 3 hours, because NYPD must complete their on-site work before an employee can be released for testing (depending on the nature of the accident, including its location and severity). NYC Transit staff further explained that they have no authority to ask police officers to administer an alcohol breath test to an employee at the scene; NYPD conducts Tests at its own discretion.¹⁴

2. Travel to the Testing Facility Can Be Slow

NYC Transit staff told us that travel time to the MAC is strongly influenced by the time and location of the accident. For example, Subways personnel travel to the MAC via public transportation, as noted above. If an accident occurs in the middle of the night in the Rockaways, the employee to be tested and his or her escorting supervisor might wait up to 30 minutes for a train to arrive and then travel an hour to reach the downtown Brooklyn MAC, the only testing facility open overnight. And while Buses supervisors and employees travel to the nearest available MAC via agency car, heavy traffic in any part of the city could considerably slow their trip.

¹³ See NYC Transit's *Accident Investigation Policy Program Manual* (Policy Instruction 10.28.2), dated 11/15/2019, § (III)(2)(a).

¹⁴ In certain rare circumstances (e.g. if a Bus Operator is suspected of driving while intoxicated), the NYPD might conduct a field sobriety Test using the portable Alco-Sensor Test.

3. The Agency Has Taken Steps to Reduce Delays

Buses officials told us they had recently instituted several changes designed to decrease travel time. For example, they said that since the 207th Street MAC extended its evening hours in January 2019, Buses sends employees there whenever feasible. Additionally, Buses staff said they encourage departmental personnel to take photographs of an accident scene to reduce the duration of their initial on-site investigations. In contrast, the Subways officials we interviewed were not aware of any recent changes that Subways had implemented to improve timeliness in testing, despite clear evidence that the duration of investigations is a primary cause of Delayed Tests.

The problem of delays in testing should come as no surprise to NYC Transit management. [OIG's 2006 report](#) recommended that in order to decrease travel time – which was also a significant problem then – OHS should consider various solutions, including utilizing MTA's all-agency medical services contract to employ mobile testing services. Unfortunately, OHS has made little effort to implement this recommendation to date. Officials from OHS and Buses told us that they had recently considered – and decided against – using the all-agency contract for mobile testing. They reasoned that mobile testing was not a cost-efficient option for NYC Transit. However, in a clear instance of inadequate communication, they did not discuss this important topic with their colleagues across the agency. In fact, other Buses, Subways, and OHS personnel told OIG they were not aware that anyone within NYC Transit had even considered mobile testing as an option.

One System Safety investigations official suggested that NYC Transit investigative entities should evaluate the use of new testing methods, including FTA-approved swabs or a portable breath alcohol test, which can be administered on-scene by trained personnel. If such a tool were in use, employees with positive results could be sent to a MAC for further testing; those with negative results would not have to visit a MAC at all. Significantly, none of the other NYC Transit staff we interviewed had seriously considered the idea of the agency conducting its own testing at an accident site.

C. NYC Transit Lacks a Formal Process to Improve Testing Timeliness

[In 2006](#), OIG found that NYC Transit management not only had neglected to identify areas where timeliness in testing could be improved but also seemed to accept that Delayed Tests were inevitable due to circumstances beyond the agency's control. OIG recommended that NYC Transit should “establish procedures to review cases where Tests were not done in a timely manner” and “look for opportunities to improve timeliness consistent with operational requirements.” While the agency accepted these recommendations, our current review found that management did not implement the necessary improvements in 3 key areas.

1. Accountability for Testing Policy and Compliance

During OIG’s discussions with personnel from several divisions – including the Centers, OHS, System Safety, and safety units within Buses and Subways – we learned that NYC Transit *still* had not assigned responsibility for collecting information on the frequency of delays. In addition, the agency had not established procedures to review Delayed Test statistics or considered how to improve timeliness in testing.

In response to a [review performed by OIG in 2019](#), System Safety directed Buses and Subways management in August 2019 to provide System Safety with a Corrective Action Plan “to ensure testing the testing is performed within the 2-hour window.”¹⁵ However, in its informal response to this directive, Subways described factors it termed “obstacles” to meeting the 2-hour window but gave no indication that corrective action was possible or even under consideration. This lack of concern was reminiscent of [OIG’s 2006](#) observation that management acted as if Delayed Tests were unavoidable. Similarly, in late 2019 Buses failed to develop any plans for improving timeliness in testing. Both departments merely reissued bulletins reminding managers and supervisors of the requirements for post-accident testing.

2. Communication Between Departments was Lacking

We found that the lack of effective interdepartmental communication was another likely cause of NYC Transit’s failure to review Delayed Test statistics and identify the causes of delays. Each organizational entity thought another party was already doing the analysis – or at least believed that someone else was responsible for doing so. For example, when we spoke with Rail Control Center personnel, they suggested that the Safety Analysis group in the Office of System Safety reviewed timeliness in testing and the origins of Delayed Tests. However, a Safety Analysis manager told us that his group was *not* responsible for capturing or analyzing this information; he recommended we speak to Subways Operations Support instead. And finally, a Subways Operations Support manager referred us back to the Rail Control Center – completing the circle of misunderstanding and inaction.

3. Data to Track Testing Metrics are in Several Different Databases and Hard Copy Records

To fulfill System Safety’s request to prepare a formal Corrective Action Plan to improve timeliness in testing, the departments would have needed to identify and address the conditions

¹⁵ See *Post-Incident Drug and Alcohol Testing Criteria*, internal NYC Transit Memorandum dated August 28, 2019.

causing the delays. This would not have been easy. The departments lack easily accessible records about completed Tests and related accident information that would allow them to analyze delays. Within Buses this type of data is not captured electronically, for the most part; Bus Command Center staff told us their paper-based recordkeeping system makes it virtually impossible to analyze test and accident data. They explained that when the new Bus Command Center opens (currently expected in July 2021), Buses will have a completely digital computer system to record accident and Test information.

For Subways, we learned that the Rail Control Center maintains its own system containing information for each accident and the associated Tests of employees involved. However, Center officials told us this system is used for internal recordkeeping purposes only; we found no evidence that Subways uses the system for analytical purposes, despite the importance of timely Testing. Additionally, Buses and Subways have never sought to obtain Test and accident information from OHS staff, who readily provided the data that OIG used to determine the percentage of Delayed Tests.

IV. RECOMMENDATIONS

To reduce the incidence of delayed post-accident alcohol tests, NYC Transit management should:

1. Promote accountability by designating a particular unit or individual within Buses and Subways, to be responsible for capturing and analyzing information about the timeliness of post-accident testing.

Agency Response: Accepted. NYC Transit's "Departments of Buses and Subways will develop a process to review the information related to post-accident alcohol testing, including the report discussed in response to Recommendation 2, below, to assist in determining how tests can be performed more quickly." NYC Transit expects to implement this recommendation in Q3 2021. The timeframe takes into account the agency's plan to develop new technology to capture consistent data.

2. Require the designated units or individuals to develop a report on the timeliness of post-incident alcohol tests and the causes of any delay for tests that were not completed within 2 hours. The report should be communicated to agency leadership on a regular basis. As needed, the agency should improve the agency's information management systems to support this analysis.

Agency Response: Accepted. “In order to better understand the causes of delays in testing and to develop targeted remedies where possible, NYC Transit is in the process of updating its Accident Description Report forms and developing a useful periodic report for management to aid in analysis of the causes of delays. This is planned to include converting our forms to an electronic format, harmonizing the content of the forms used across NYCT, including clearer instructions about the importance of prompt testing and the two-hour goal for testing on the forms, and requiring supervisors completing the forms to provide time periods associated with specified delays. The information captured through these updated electronic forms will be used to generate reports for management that aid in understanding the causes of delays in testing and developing targeted responses. NYCT has been moving forward with this initiative and will report to MTA OIG on future progress.” NYC Transit expects to implement this recommendation in Q3 2021.

3. Communicate the report to agency leadership quarterly and to the Safety Committee of the MTA Board annually.

Agency Response: Accepted. “NYCT agrees that it will report on its drug and alcohol testing program to agency leadership and the MTA Board regularly.” NYC Transit expects to implement this recommendation in Q3 2021, once the data collection process is updated as described above.

4. Establish a process for Buses, Subways, Occupational Health Services, and System Safety to collectively and continuously evaluate methods to expedite the testing process, including the use of on-scene test kits by MTA employees or a contracted service provider, and to report the results of the evaluation to agency leadership and the Safety Committee of the MTA Board annually.

Agency Response: Accepted. “NYCT agrees to undertake periodic evaluations of its drug and alcohol testing processes, and to report on such evaluations to agency leadership and the MTA Board. Further, we will continue to evaluate the possibility of new methods to expedite our testing process, including the use of on-scene test kits by MTA employees or a contracted service provider. If implementation challenges can be met, at the appropriate time we will seek cooperation from our labor partners in these efforts. We will report the results of the evaluation to agency leadership and the Safety Committee of the MTA Board annually.” NYC Transit expects to implement this recommendation in Q4 2021.