



Metropolitan Transportation Authority

State of New York

February 7, 2014

Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Honorable Thomas P. DiNapoli
Office of the State Comptroller
633 Third Avenue, 31st Floor
New York, NY 10017

RE: Response to Report #2012-S-32 – Inspecting Highway Bridges and Repairing Defects

Gentlemen:

On November 8, 2013, the Office of the State Comptroller issued the above referenced audit report. As required by Section 170 of the Executive Law, I am providing you with the attached response which addresses the recommendations contained in the report.

A copy of the final audit report is attached for your convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read "T. F. Prendergast", with a long horizontal line extending to the left.

Thomas F. Prendergast
Chairman and Chief Executive Officer

Attachments



Long Island Rail Road

February 3, 2014

Mr. Thomas F. Prendergast
Chairman and Chief Executive Officer
Metropolitan Transportation Authority
347 Madison Avenue
New York, NY 10018

**RE: 90 Day Response to Report No. 2011-S-32
Inspecting Highway Bridges and Repairing Defects**

Dear Chairman Prendergast:

As required by Section 170 of the Executive Law, detailed below are the updated actions that have been taken to address the recommendations contained in the above-referenced audit report. The audit report contains two recommendations. Our response dated August 9, 2013 indicated that one recommendation was fully implemented and the second one partially implemented and ongoing.

Recommendation No. 1

- Ensure that LIRR has time frames for resolving Safety Flags.

LIRR Implementation Status:

As indicated in our August 9, 2013, LIRR has confirmed with New York State Department of Transportation (NYSDOT) representatives that the NYSDOT governs the bridge inspection program and does not impose time requirements with regards to repair or removal of Safety Flags. That having been said, certain safety flags that are classified as "PIA" (Prompt Interim Action) are mandated to be corrected within 24 hours. All PIA Safety Flags reviewed by the State Comptroller's Office were addressed within the required time. LIRR will continue to work cooperatively with the NYSDOT to review procedures for resolving safety flags. Additionally, NYSDOT Director, Structure Evaluation Services Bureau and Principal Engineer, Bridge Inspection Unit Supervision are planning a meeting for all MTA Bridge Managers in the 1st Quarter 2014 in Albany. LIRR Principal Engineer will be attending the meeting to further discuss this topic.

Status: *Implemented – Ongoing.*

Recommendation No. 2

- The LIRR should coordinate with the NYSDOT to determine if inspections that meet both of their needs could be done by one or the other of them.

LIRR Implementation Status:

As stated in our response dated August 9, 2013, LIRR and NYSDOT have agreed that the biennial structural evaluation of the structures in question will be performed by NYSDOT forces, as required by federal and state highway laws and regulations. LIRR continues to

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monitor and inspect the subject structures for the sole purpose of safety and maintenance issues. LIRR and NYSDOT are working together to ensure that all structural related flags are provided to LIRR for maintenance. In addition, LIRR will continue to notify the local municipality of any Safety flags related to highway items for their attention.

Status: *Implemented.*

We believe the LIRR's action plan addresses the recommendations of the New York State Comptroller's Office. Please contact me should you require additional information.

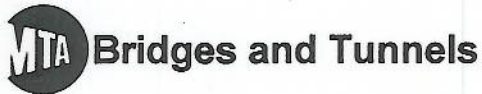
Sincerely,

A handwritten signature in black ink, appearing to read "Helena E. Williams". The signature is fluid and cursive, with a horizontal line extending from the end.

Helena E. Williams
President

c: M. Young
M. Gelormino
J. Calderone
J. Collins
J. Rosado
M. Fucilli
D. Jurgens

Memorandum



Date: January 27, 2014

To: Thomas Prendergast, Chairman and CEO, MTA

From: Jim Ferrara, President, MTA Bridges and Tunnels

Re: NYS Comptroller Audit No. 2012-S-32 – Response to Final Report

I am pleased to submit, for your review B&T's responses to recommendations contained in the NYS Comptrollers' Audit Final Report 2012-S-32 entitled "Inspecting Highway Bridges and Repairing Defects."

Report 2012-S-32 concludes: "Generally, LIRR and B&T perform bridge inspections and related repairs to correct flag deficiencies in a timely manner as required by State and Federal regulations."

The NYS Comptroller Audit Team, however, noted some limited number of exceptions, which, in their opinion, require further improvement of the process.

Below are the NYS Comptroller's Key Findings, Exceptions, and related Recommendations, along with B&T response and any corresponding actions or improvements:

TIMELINESS OF INSPECTIONS

NYS Comptroller Key Findings for B&T and LIRR

Page 1 of the Final Report states in part:

1. *"From our sample of 116 flags, we noted that nine B&T Safety Flags and two Department Safety Flags on LIRR bridges remained unresolved for extended periods of time ranging from 12 to 45 months after being identified."*

Recommendation (on Page 7 of the Report)

1. "Ensure that LIRR and B&T have time frames for resolving Safety Flags."

MTA B&T Response

1. **Recommendation was addressed as follows:** NYSDOT standards do not impose time frames for any Non- Prompt Interim Action (PIA) Safety Flags. PIA Flags are all addressed as required, however, it is MTA B&T intention to address Non-PIA Flags as soon as possible or practical. Since the recommendation was made, MTA B&T has reviewed Safety Flags and has taken action in removing them. As of July 11, 2013 to present, MTA B&T has removed 62 (sixty two) Safety Flags and is currently executing a program to address all remaining Safety Flags.

Page 1 of the Report states in part:

2. *"For three B&T Red Flags the required reinspections were performed from two to eleven days late."*

Recommendation (on Page 7 of the Report)

2. "Ensure that B&T reinspections are immediately performed for Red Flags that remain open for more than six weeks."

MTA B&T Response

2. **Recommendation was addressed as follows:** MTA B&T has reviewed its current Red Flag reinspection process. Refresher training has been administered to the responsible MTA B&T personnel overseeing bridge inspections to assure that inspections are immediately performed on Red Flags that remain open for more than six weeks.

MONITORING FLAG CONDITIONS

NYS Comptroller Exceptions for MTA Bridges and Tunnels

Page 7 of the Report states in part:

"B&T flag reports were prepared up to 34 days late for 7 of the 100 flags we sampled including 1 Red, 4 Yellow, and 2 Safety."

Recommendation (on Page 7 of the Report)

3. "Ensure that B & T prepares its flag reports in a timely manner."

MTA B&T Response

3. **Recommendation was addressed as follows:** It should be noted that in no case did Flag reporting impact safety of the public or employees. MTA B&T has reviewed its current process to assure that reports are completed in a timely manner. Responsible MTA B&T personnel received refresher training on importance of issuing flag reports in a timely manner. These requirements will also be highlighted to our Consultants during Kick-off and Progress meetings for Biennial Contracts.

Page 7 of the Report states in part:

"B&T reported 4 of its Red Flags in our sample to the Department up to six days past the one week requirement."

Recommendation (on Page 7 of the Report)

4. "Ensure that B &T notifies the Department of Red Flags in a timely manner."

MTA B&T Response

4. **Recommendation was addressed as follows:** Refresher training was conducted with appropriate MTA B&T personnel on the requirements. MTA B&T is also in the process of revising its Bridge Inspection Procedure to specifically emphasize that NYS DOT notifications are to be made within the appropriate time. Justification in writing will need to be provided in the event a Red Flag will not be reported in a timely manner.

Page 7 of the Report states in part:

"B&T maintains a "Flag Log" to show the issue date and corrective action status of each flag. The log is intended to help the B&T Structural Engineering Manager to monitor each flag and to schedule the necessary work to resolve each flag. When we reviewed the Log, we noted that it had inaccuracies pertaining to the corrective actions and repair dates for 10 of the 100 flags in our sample."

Recommendation (on Page 7 of the Report)

5. "Ensure that the Flag Log is accurately maintained by B&T."

MTA B&T Response

5. **Recommendation was addressed.** MTA B&T has reviewed and corrected the log. Appropriate MTA B&T personnel received refresher training on proper use, update and maintenance of the Log. MTA B&T is also in the process of revising its Bridge Inspection Procedure to make sure Log requirements are applied consistently.

We trust these actions adequately address the recommendations included in the final NYS Comptroller Audit Report 2012-S-32.

cc: J. Keane
M. Fucilli
A. Stathopoulos
R. Desantis
M. Bronfman
V. Fraschilla