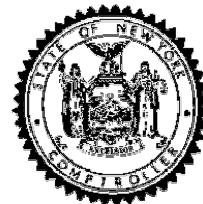


*A REPORT BY THE NEW YORK STATE
OFFICE OF THE STATE COMPTROLLER*

Alan G. Hevesi
COMPTROLLER

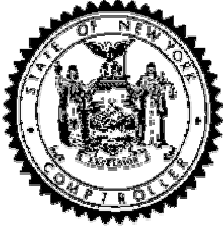


**METROPOLITAN TRANSPORTATION
AUTHORITY – NEW YORK CITY TRANSIT**

***RAPID TRANSIT SERVICES
FOR PERSONS WITH DISABILITIES***

2001-S-69

DIVISION OF STATE SERVICES



Alan G. Hevesi
COMPTROLLER

Report 2001-S-69

Mr. Peter S. Kalikow
Chairman
Metropolitan Transportation Authority
345 Madison Avenue
New York, NY 10017

Dear Mr. Kalikow:

The following is a report of our audit of New York City Transit's rapid transit services for persons with disabilities.

We performed this audit according to the State Comptroller's authority as set forth in Article X, Section 5, of the State Constitution. We list major contributors to this report in Appendix A.

Office of the State Comptroller
Division of State Services

January 8, 2004

EXECUTIVE SUMMARY

METROPOLITAN TRANSPORTATION AUTHORITY – NEW YORK CITY TRANSIT

RAPID TRANSIT SERVICES FOR PERSONS WITH DISABILITIES

SCOPE OF AUDIT

New York City Transit (NYCT), an affiliate of the Metropolitan Transportation Authority, is the principal transit operator in New York City (City), providing rail and bus service on a 24-hour basis throughout all 5 boroughs of the City. On an annual basis, about 1.4 billion passengers ride NYCT subways, about 5 million passengers ride the Staten Island Railway (SIR), and more than 650 million passengers ride the buses.

The New York State Public Buildings Law and the New York State Transportation Law were amended in 1984 to require the NYCT to establish an 11-member New York City Transportation Disabled Committee (TDC), make 65 percent of buses accessible for wheelchairs, spend at least \$5 million per year over 8 years to make 54 subway stations accessible to people with disabilities, and implement a paratransit service. The Federal Americans with Disabilities Act (ADA), passed in 1990, required all rapid transit systems to make their facilities and vehicles accessible to people with disabilities.¹ All systems were to submit a key station plan (plan) to the Federal Transit Administration (FTA) by July 26, 1992, that was to include the methodology by which certain stations would be selected for accessibility adaptations, the means by which the public could participate in that selection process, and a milestone schedule for meeting ADA requirements. The plan NYCT submitted on July 26, 1992, indicated that at least 67 of the 100 designated stations listed in the plan's objectives would be made accessible by 2010, in accordance with an FTA-approved extension. Completion of all 100 key stations will cost approximately \$900 million.

We audited the efforts of NYCT to address the subway service needs of persons with disabilities during the period November 3, 1994, to July 31, 2002. Our audit addressed the following questions:

¹ The ADA defines disability as a physical or mental impairment that substantially limits one or more of the major life activities of an individual who has a record of such impairment or is regarded as having such an impairment.

- Does NYCT effectively address the subway service needs of persons with disabilities?
- Does NYCT monitor its accessible subway stations to identify factors that may be limiting their use by people with disabilities?

AUDIT OBSERVATIONS AND CONCLUSIONS

NYCT does little to monitor the way the subway system is being used by people with disabilities, and our observations confirmed that few patrons with wheelchairs use the system. When we visited 30 stations, we observed one or more of the following conditions at each: gaps between rail cars and platforms that are larger than the maximum allowed by ADA, inoperable equipment, unsanitary conditions, dim lighting, lack of response to intercom, an uncut curb blocking the approach to the station, inadequate signage, lack of designated boarding areas, and unreported out-of-service elevators. We also noted that inspections of subway elevators were not documented. During our audit, NYCT officials revised their procedures, and began requiring the maintenance of fully documented inspection results; however, elevators provided for use by NYCT subway passengers, but not owned by NYCT were not being inspected at all. As a solution to span the gap between rail cars and platforms, some other rail systems use bridge plates. We believe NYCT should seriously reconsider the use of bridge plates for its trains. In addition, the elevators are not equipped with a device that reports inoperable elevators; and out-of-order elevators are not reported immediately to the hotline, which is updated just four times a day, not as changes occur. Finally, a station becomes inaccessible when an elevator is being repaired or replaced. NYCT should consider elevator redundancy at the ADA stations it plans to rehabilitate, as well as the stations in any new lines planned for the system. (See pp. 7-23)

Signage that can lead passengers to accessible entrances and elevators continues to be a problem. We visited 30 stations and found that it was not easy to follow the indicated route to locate the accessible entrances, elevators, or ramps at 24 of the stations. We also found 13 platforms without a designated boarding area for passengers with disabilities. NYCT should consider developing and implementing standardized signage requirements. (See pp. 25-26)

COMMENTS OF AUTHORITY OFFICIALS

A draft copy of this report was provided to Metropolitan Transportation Authority - New York City Transit officials for their review and comment. Their comments have been considered in preparing this final report.

Authority officials indicated that they have implemented or were in the process of implementing most of our audit recommendations. They also indicated that the

report does not properly reflect their commitment to achieving transportation accessibility for all individuals.

We believe the report accurately reflects the efforts by the NYCT to make rapid transit services available to persons with disabilities because it presents what has been done and makes recommendations that, if implemented, should improve transportation services.

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INTRODUCTION

Background

New York City Transit (NYCT), an affiliate of the Metropolitan Transportation Authority (MTA), is the principal transit operator in New York City (City), providing rapid rail and bus transit service on a 24-hour basis throughout all five boroughs of the City. NYCT operates about 5,800 subway cars along 25 routes and 468 stations, the 14.3-mile Staten Island Railway (SIR) from St. George to Tottenville with 22 stations and 64 rail cars connecting with the Staten Island Ferry to Manhattan, and about 4,300 buses along 234 local and express bus routes. The NYCT reports that about 1.4 billion passengers ride the subways annually, about 5 million passengers ride the SIR, and more than 650 million passengers ride the buses. Although NYCT monitors and maintains data on passengers using a wheelchair lift to access buses, it does not maintain data regarding the use of the subway or SIR by customers using a wheelchair.

New York City Transit began to address the system's decaying subway stations with its 1982-1991 Capital Program, which committed \$960 million to improvements in subway and SIR stations. However, these efforts – first referred to as Station Modernization and Restoration and later as Reconstruction and Rehabilitation – did not include improving accessibility to the subway stations for people with disabilities. Several advocacy groups initiated class action lawsuits against NYCT, alleging non-compliance with State law that required it to provide access to the mass transportation system for people with disabilities. These consolidated suits were settled in 1984 and were written into legislation as amendments to the New York State Public Buildings Law and the New York State Transportation Law.

The new laws required the NYCT to establish an 11-member New York City Transportation Disabled Committee (TDC), make 65 percent of buses accessible for wheelchairs, spend at least \$5 million per year over 8 years to make 54 subway stations accessible to people with disabilities, and implement a paratransit service. Thirty-eight of the 54 stations to be made handicapped-accessible were specified in the law, while 8 stations were chosen by the NYCT and another 8 stations were

chosen by the TDC. Some of these stations were already scheduled for large capital improvements. The 16 stations were selected because of their ridership, access to other transportation, and closeness to major activity centers. Consideration was also given to geographic distribution and access to other subway lines.

In 1990, passage of the Federal Americans with Disabilities Act (ADA) required all rapid rail transportation systems to make their facilities and vehicles accessible to people with disabilities.¹ All systems were to submit a key station plan (plan) to the Federal Transit Administration (FTA) by July 26, 1992. The plan was to include the methodology by which the stations would be selected for accessibility adaptations, the means by which the public could participate in the selection of stations, and a milestone schedule for meeting ADA requirements. Stations were supposed to be made accessible by July 1993; however, systems were allowed to request that this deadline be extended by as many as 30 years.

When selecting key stations, transportation agencies are to consider five criteria listed in regulations established by the U.S. Department of Transportation (USDOT) for ADA implementation. In NYCT's USDOT-approved key station plan for 54 stations, implemented as part of the 1984 settlement agreement incorporated into the State Transportation Law, all but one station met at least 1 of the 5 criteria. (The only station that did not measure up was replaced with another.)

Dated July 26, 1992, the NYCT's plan indicated that all 54 stations would be made accessible by 2010, in accordance with an FTA-approved extension. However, two years later, amendments to the New York State Public Buildings Law and Transportation Law expanded the plan's objectives to apply to more stations – achieving 100 accessible subway stations by 2020, with two-thirds of these (67) completed by 2010. The NYCT revised plan listed 91 subway stations: the original 54 plus 37 that were selected according to FTA and NYCT criteria and discussions at 5 public forums. The remaining 9 were to be selected later in consultation with TDC and public advocates; to date, a total of 96 have been chosen.

¹ The ADA defines disability as a physical or mental impairment that substantially limits one or more of the major life activities of an individual who has a record of such impairment or is regarded as having such an impairment.

According to this plan, 11 key stations and 11 non-key stations had been made accessible as of January 1, 1992, while 5 key stations were undergoing renovation to meet the requirements in effect at that time. However, these stations did not meet the criteria for what was later determined to be the maximum distance (gap) that could be allowed between the subway platform and the subway car if a wheelchair were to move safely between the two surfaces. Since the pre-ADA stations did not meet the gap requirement, NYCT was given until July 1995 to construct platform modifications that would comply. NYCT reported committing \$43 million between November 1984 and November 1992 to such accessibility-related expenditures in key stations.

Non-key subway stations are those that have been made handicapped-accessible even though it was not required by law. They are not completely ADA-compliant, and will not be so until they are rehabilitated. NYCT is in the process of rehabilitating all of its stations, including the incorporation of accessibility elements, but the projects do not always include the installation of elevators. The 1994 plan reported that 15 of the original 54 subway stations were accessible as of September 30, 1994. It named 68 stations that were scheduled for completion by 2010; however, it projected that 71 stations would actually be accessible by 2010. As of the first quarter of 2002, NYCT reported that 30 key and 13 non-key stations were accessible, with 14 additional key stations under construction. According to NYCT's Project Status Reporting System, about \$333 million will be spent on the completion of 37 key stations, for an average of \$9 million per station. At this rate, completion of the 100 key stations will cost approximately \$900 million.

NYCT's Capital Program Management Department is responsible for doing feasibility studies, as well as budgeting, designing, constructing, and monitoring the cost and construction of the ADA station projects. NYCT's ADA Compliance Office (Office) is part of the Capital Program Management Department and reports to the Vice President of Engineering Services. Its mission is to provide leadership, guidance, and coordination in the implementation of ADA regulations throughout the system so management can be assured that NYCT buildings as well as its bus, subway, and paratransit services are ADA-compliant. In 2001, the Office had eight employees, including a chief officer, a director of ADA field operations, a director of policy management and ADA

compliance (employee training), one administrative engineer, three staff, and one part-time college aide. In 2002, three additional employees were transferred to the Office and the part-time position was made permanent.

As required by the Federal ADA and New York State Public Buildings and Transportation laws, the ADA Compliance Office oversees and directs the actions of all departments (e.g., capital program, services, maintenance, etc.) to assure management that premium customer service is being provided to the riding public with special needs, that ADA mandates are being followed, and that NYCT's planning and design work are incorporating input from members of the local community who have disabilities. The Office staff participates in the design phase, and reviews final designs for ADA compliance. During construction, they visit the stations; after completion, they inspect the stations for ADA compliance. During 2001, Office staff performed follow-up ADA-compliance inspections at all but two of the accessible subway stations. The staff also review employee-training courses on providing services with sensitivity to people with disabilities, make recommendations, observe training, and provide training. In addition, they respond to customer complaints and engage in community outreach activities with people who have disabilities.

Audit Scope, Objectives, and Methodology

The objectives of our performance audit were to determine whether NYCT effectively addressed the subway service needs of persons with disabilities during the period of November 3, 1994, to July 31, 2002; and whether NYCT effectively monitored accessible subway stations to identify factors that may be limiting their use by people with disabilities. This audit did not include an evaluation of the timeliness or budgetary status of the construction/rehabilitation work in the subway stations.

To accomplish our objectives, we reviewed applicable laws and ADA criteria, interviewed NYCT officials, reviewed NYCT records, visited 30 accessible stations between 9 a.m. and 5 p.m., during the workweek, observed station usage by persons with disabilities, used the Internet and contacted officials of other transportation systems in the U.S., and interviewed people with disabilities and officials of organizations representing them.

We conducted our audit in accordance with generally accepted government auditing standards. Such standards require that we plan and perform our audit to adequately assess those NYCTA operations that are within our audit scope. Further, these standards require that we understand NYCT's internal control structure and compliance with those laws, rules and regulations that are relevant to our audit scope. An audit includes examining, on a test basis, evidence supporting transactions recorded in the accounting and operating records and applying such other auditing procedures as we consider necessary in the circumstances. An audit also includes assessing the estimates, judgments and decisions made by management. We believe our audit provides a reasonable basis for our findings, conclusions and recommendations.

We use a risk-based approach to select activities for audit. We therefore focus our audit efforts on those activities we have identified as having the greatest potential for needing improvement. Consequently, by design, we use finite audit resources to identify where and how improvements can be made. We devote little audit effort to reviewing operations that may be relatively efficient and effective. As a result, we prepare our audit reports on "an exception basis." This report, therefore, highlights those areas needing improvement and does not address activities that may be functioning properly.

Response of Authority Officials

A draft copy of this report was provided to Metropolitan Transportation Authority - New York City Transit officials for their review and comment. Their comments were considered in preparing this final report and, are included as Appendix B. At the Authority's request, we have also included their response to our preliminary audit findings in Appendix B.

Within 90 days after the final release of this report, as required by Section 170 of the Executive Law, the Chairman of the Metropolitan Transportation Authority shall report to the Governor, the State Comptroller and leaders of the Legislature and fiscal committees advising what steps were taken to implement the recommendations contained herein, and where recommendations were not implemented, the reasons therefor.

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MEETING THE NEEDS OF PEOPLE WITH A DISABILITY

New York State Law require the NYCT to make 100 of its 468 subway stations accessible to people with disabilities, including those using a wheelchair, by 2020. Accordingly, NYCT is spending hundreds of millions of dollars on station rehabilitation. However, NYCT does little to monitor the way the subway system is being used by people with disabilities to assure taxpayers that this large investment is serving the needs outlined in the ADA requirements. Making the stations ADA-compliant does not necessarily mean that the needs of individuals with disabilities are being met. According to representatives of organizations speaking for persons with disabilities, even though ADA compliance is a step in the right direction, the system remains largely unusable by people using a wheelchair because the gaps between the platforms and the subway cars remain too large and the elevators are perceived as unreliable. During our visits of 30 stations, we observed 8 persons in wheelchairs using the elevators.

NYCT officials have made efforts to resolve these issues. For example, NYCT inspects the subway stations regularly to verify that they are ADA-compliant, maintains a telephone hotline the public can call to obtain information about elevators that are out-of-service, trains employees in using sensitivity when serving people who have disabilities, provides outreach to the community, and trains customers with disabilities in how to use the subway system. However, NYCT could do more, beyond meeting ADA requirements, to meet the needs of people with disabilities and to increase their usage of the subway system as intended by the ADA. The following steps are among several that NYCT could take:

- Use bridge plates to help wheelchair-users overcome the gaps between the platforms and subway cars.
- Install more entrance and way-finding signs.

- Use electronic monitoring devices that automatically report out-of-service elevators.
- Provide the public with elevator-availability information that is more accurate and timely.
- Install two elevators at each ADA station to provide station access when one of the two is out of service.

Although the ADA became law over 12 years ago, and the renovation of 22 key and non-key stations was completed before 1992, access to subway service continues to be a problem.

Monitoring Subway System Usage

A 1997 qualitative research project on customer reaction to subway station renovations by the MTA and NYCT suggested that it would be useful to develop a way to quantify the effects of the renovations. Although NYCT monitors wheelchair-lift usage on buses, it does not monitor subway use by people with disabilities. This information would help NYCT evaluate the return on its investment (about \$330 million as of the end of 2001), help determine the reasons for non-use, and help provide effective public education and outreach to the disabled population that would encourage them to use the subway system.

Our interviews with people who have disabilities and with organizations that represent them enabled us to learn why many of them do not use subways. In addition to complaints about the gap problem and elevator availability, we learned that signage could be improved by using larger, more-explicit wording that is easier to follow; and by placing the signs more strategically. Visual and audio announcements should also be available on all subway trains to aid those with visual or hearing disabilities; and efforts should be made to improve the clarity of the elevator intercom announcements. Finally, services from token booth agents that would make passengers feel safer and more secure would be appreciated. Complaints included malfunctioning elevator intercoms and uncommunicative token booth employees, insensitive subway staff, and a lack of specific emergency plans for helping persons with disabilities. (The latter would include warning devices along the platform edge that could be detected by people with a visual disability.)

Interviewees also claimed that the wheel of a wheelchair can get stuck between the grooves in the platform and flip over. One group informed us that, although they would like more people with disabilities to use the system and are willing to advocate for it, they were not prepared to do so until such problems are corrected and more accessible stations are available.

Monitoring use and determining the reasons for non-use could help confirm and solve these problems and increase usage. NYCT officials told us that, despite the ADA's lack of monitoring requirements, they intend to discuss our recommendation with their marketing staff so that the potential benefits of capturing this information can be analyzed properly.

Recommendation

1. Monitor or study the use of accessible stations by people with disabilities, especially those using wheelchairs, to promote increased usage of the system by these people.

(In response to our draft report, NYCT officials advised us that they plan to discuss this issue with Marketing staff to determine whether there is any benefit to capturing this information.)

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STATION INSPECTIONS

Our site visits and observations at 30 stations, as well as our meetings with individuals who have disabilities and representatives of their advocacy groups, have indicated that NYCT should make a stronger effort to meet the needs of people with disabilities.

The Federal Transit Administration (FTA) has developed ADA criteria for making subway stations accessible and useable, requiring the installation of elevators, ramps, entrance signs, way-finding signs for accessible routes, Braille signs, automated vending machines, auto-gates, text telephones and communication systems for persons with hearing loss, platform-edge warning strips, and the minimization of gaps between platforms and subway cars. NYCT ADA Compliance Office staff inspect subway stations after construction is completed and perform follow-up inspections to assure management that the stations remain compliant.

We made a total of 71 visits to the 23 key and 7 non-key stations, and observed one or more of the following conditions at each (See Exhibit A for details.):

- The platforms at 17 stations had gaps larger than the maximum allowed by ADA.
- Four stations had an inoperable elevator.
- Unsanitary conditions were found in elevators at four stations, and two elevators were cluttered with litter.
- The elevators in four stations were dimly-lit.
- The elevator intercom was not working in seven stations.
- A clerk did not respond to the elevator intercom in seven stations.
- An uncut curb blocked the approach to one station.

- Inadequate signage was posted at 24 stations.
- Thirteen stations had no designated boarding areas.
- The out-of-service elevators at three stations had not been reported to the hotline.

Although NYCT officials told us they inspect all subway stations when the construction/rehabilitation work is completed, and that written punch lists have been provided to the construction managers, they did not provide us with the results of these inspections. Therefore, we could not evaluate the effectiveness of the inspection process. During our audit, NYCT officials revised their procedures, and are now requiring the maintenance of fully documented inspection results.

Staff of the ADA Compliance Office made a follow-up inspection of all but two key and non-key stations in 2001. Their observations were similar to ours. Their 2002 inspections, some of which we attended, are again uncovering similar observations that discourage people with disabilities from using the subway. According to NYCT elevator maintenance reports, vandalism caused some of the discouraging conditions. Because it appears that more frequent inspections and more timely corrective action would improve the situation, the NYCT has recently increased the ADA staff to 11, and has made the part-time position a full-time one. In addition, NYCT has recently developed more formal procedures for reporting and correcting the conditions we found, and has taken steps to implement corrective action in many instances.

Recommendations

2. Develop written standardized inspection procedures.

(In response to our draft report, Authority officials indicate that they have written checklists for ensuring that once a station is brought into ADA compliance, it will be reviewed for ongoing compliance, and that there are standardized inspection procedures for stations and elevators.)

Recommendations (Cont'd)

3. Inspect subway stations more frequently.

(In response to our draft report, Authority officials indicate that stations are inspected daily to identify elevators that are malfunctioning or dirty.)

Auditor's Comments: Our recommendation was also intended to include identification of other conditions, such as inoperative intercoms, poor lighting, or dirty or malfunctioning elevators.

4. Insist on more timely corrective actions to resolve the problems observed.

(The response of Authority officials to our draft report did not specifically address this recommendation.)

5. Provide enhanced monitoring over heavily-vandalized elevators.

(In response to our draft report, Authority officials indicate that all new elevators are equipped with CCTV to minimize vandalism and to enhance customer security.)

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GAPS

Organizations representing people with disabilities informed us that even when the gaps between platforms and subway cars meet the ADA standards, several are still too wide to allow individuals in wheelchairs to access the trains. Our observations confirmed that few wheelchair-users patronize the subway system.

The FTA has established ADA criteria for the maximum width of horizontal and vertical gaps that can be allowed between platforms and subway cars: ADA Accessibility Guidelines ADAAG 10.3.2 (4) Exception 1 requires that, for at least one door, the vertical gap (requiring a step up or down) between the existing vehicles and platforms that are used at 50 percent normal passenger capacity must be no higher than 2 inches, with the horizontal gap no greater than 4 inches.



Acceptable gap

After extensive studies of the gaps at the ADA stations, NYCT officials decided in 1994 to minimize the vertical gap by raising the center of the platform at the conductor's board (the location where the subway car with a conductor will stop). Although raising the platforms allows the NYCT to meet the ADA criteria, it produces different results at each station; some stations now have larger gaps than others. Our measure of gaps at 30 stations disclosed 21 vertical and 6 horizontal gaps larger than the maximum 2-inch vertical and 4-inch horizontal measures required by ADA. These measurements were taken at various levels of capacity at both key and non-key stations; six of the

excessive vertical gaps were measured at an estimated 50 percent capacity. The larger gaps make it more difficult for persons in wheelchairs to access subway cars.



Simpson Street subway station
Showing a larger than acceptable gap.



Tottenville subway station
Showing a larger than acceptable gap

Other than raising the platforms, NYCT has not found a way to minimize the gaps wheelchair-users must pass over safely. We believe that when NYCT officials select ADA stations for rehabilitation, they should consider those where gaps can be minimized the most. However, the officials explained to us that virtually all of the key stations were identified years ago and that they have already noted locations in which gap modifications could not be made to comply with ADA. The latter stations have been eliminated, classified as “infeasible.”

NYCT officials said they had also considered using portable bridge plates to span the gap but decided against it, arguing that it might cause delays during the rush hour, increase operating costs if an employee was needed to activate it, and meet resistance from employee unions. But the availability of a bridge plate would make the system more usable for customers in a wheelchair. If a train breaks down or is taken out-of-service at a non-accessible station, customers using wheelchairs could use the plate to gain access to the platform and wait for the next train. Transit systems in six other U.S. cities have solved their gap problem by using a bridge plate or gap-filler attached to the car. For example, three of the older subway systems (Chicago Transit, Southern Philadelphia Transportation, and New Jersey Transit) use a bridge plate; while three newer systems (Atlanta Rapid Transit, Washington Metropolitan Area Transit, and San

Francisco Municipal Railway) use a filler attached to the subway car. Amtrak, the Long Island Railroad and Metro-North Commuter Railroad also use bridge plates to span the gap. NYCT should seriously reconsider the benefit of using bridge plates.



Example of bridge plate.



Example of train gap filler.

Recommendations

6. Continue looking for ways to minimize the gaps between platforms and subway cars. In choosing ADA stations to rehabilitate, consider selecting those stations with gaps that can be minimized the most.

(In response to our draft report, Authority officials indicate that NYCT complies with or exceeds ADA gap requirements. They add that all key stations were identified years ago, and they have eliminated stations from consideration if it was not feasible for them to be made to comply with ADA gap requirements.)

Recommendations (Cont'd)

Auditor's Comments: While NYCT's ADA-compliant stations may be certified that they meet the gap requirements, our audit observations clearly show that the gap measurements exceeded the ADA minimum requirements in more than one-half of the stations we visited. Since the ADA gap requirement is at 50 percent normal train capacity, there are many times of the day when the actual gap will exceed the minimum acceptable gap. We urge the Authority to continue to seek ways to minimize the gap to allow persons with disabilities to use the subways.

7. Undertake a new feasibility study that evaluates using bridge plates to overcome the gaps between platforms and subway cars and considers how it was possible for other transit systems cited in the report to utilize bridge gaps.

(In response to the draft audit report, Authority officials indicate that bridge plates are not used because using them would delay the subway trains.)

Auditor's Comments: We believe the Authority should evaluate this position as part of the recommended feasibility study.

ELEVATORS

The ADA requires all key stations to have elevators or ramps that can facilitate access to platforms. The elevators usually carry passengers from the street to mezzanines or platforms, and/or from mezzanines to platforms. The elevators in some stations are not owned by NYCT (e.g., those at the Atlantic Avenue, 42nd Street, and 8th Avenue stations). These elevators are owned by either the Long Island Railroad or the Port Authority of New York and New Jersey, which are responsible for inspecting, maintaining, and repairing them. The ADA requires timely repairs to the elevators when an accessibility feature is out of order. It also requires prompt action to accommodate those who need it. The public can obtain information about out-of-service elevators via a hotline (800) telephone number.

An out-of-service elevator is reported for repair to either NYCT's Elevator and Escalator Department or to the owner. Employees of this Department inspect, maintain, and repair the NYCT elevators; and keep electronic records of the activity and downtime of each elevator. They make the information available to the public by faxing the out-of-service information to the hotline four times a day at about 6 a.m., 10 a.m., 3 p.m., and 10 p.m.

Out-of-Service Elevators

The reporting of out-of-service elevators to the hotline could be timelier, and the information could be more complete and reliable. The elevators are not equipped with an electronic monitoring device that automatically reports elevators when they stop operating and elevators that are found to be inoperable are not reported immediately to the hotline.

The NYCT has installed a hotline that customers can call in advance to determine whether certain elevators are operating, but it is updated just four times a day, not as changes occur, despite the statement on the hotline recording. Under this arrangement, an elevator can be out of service or back in service for several hours before being reported to the hotline; in

fact, we noted three instances in which an elevator was taken out of service but was not reported. We were informed that the reporting process through the Elevator and Escalator Department is followed for control, but the staff does not have time to report the data to the hotline more frequently. This lack of reliable elevator service information could discourage wheelchair-users from using the subway.

We called the hotline on 90 days from February 8 to July 31, 2002, usually making our calls at 9 a.m., 12 p.m., and 5 p.m. For periods ranging from 1 to 45 days during this time, 63 elevators were reported as being out of service for 4 or more hours. On each day that we called, between one and eight elevators were reported as being out of service for at least four hours. Comparing hotline data with data in a downtime report for the period of February 8 to March 12, 2002, we found 13 instances in which an elevator was out-of-service but had not been reported by the hotline.

Station Elevator Inspections

NYCT procedures require the Station Department supervisors and cleaning staff to inspect elevators daily to ensure that they are in proper working order and are kept clean. These inspections should include elevators not owned by the NYCT (e.g., those owned by LIRR, the Port Authority, or private building owners). Out-of-service elevators should be reported and should be maintained and cleaned by the owner. However, during our observations, a Station Department official informed us that she did not inspect elevators unless they were NYCT-owned; she said maintenance of non-NYCT elevators was the responsibility of the owner. Thus, the station inspection sheet for the 42nd Street and 8th Avenue subway station, where the Port Authority owns the elevator, indicates N/A for elevators and escalators. We also observed that an LIRR elevator at the Atlantic Avenue subway station was out of service on February 14, May 21, and May 22, 2002, but had not been reported to the hotline. At the 50th Street and 8th Avenue station, we observed the non-NYCT elevator soiled with human waste. We also observed two NYCT elevators that were out-of-service (Grand Central Station on February 27, 2002, and Church Avenue on July 3, 2002) but had not been reported to the hotline, as well as four elevators soiled with human waste and two soiled with litter.

Elevator Redundancy

Availability of elevators is also a major concern. The Elevator and Escalator Department reports elevator availability to be about 95 percent. Downtime is reported due to vandalism, maintenance, and repairs. In addition, elevator availability can be reduced by another 5 percent when major rehabilitation or replacement is necessary. We found that the Washington Metropolitan Area Transit Authority tries to make elevator availability more reliable by providing elevator redundancy at some stations. Two elevators are being installed at some Washington locations so that accessibility continues even if one elevator is out of service. NYCT should consider elevator redundancy at the ADA stations it plans to rehabilitate, and especially when it builds the new 2nd Avenue line.

Elevator Availability Levels

NYCT's Elevator and Escalator Department issues monthly reports on the level of elevator availability and reliability. However, this data does not list the days an elevator is out of service for major rehabilitation or replacement. Our review of the accumulative reports for 2000 showed 3 elevators (Church Avenue, 34th Street and Seventh Avenue, and 14th Street and Union Square) with availability levels of 98 percent; but, in fact, all 3 were unusable between 9 percent and 11.5 percent of the time that year because each required major repairs that took between 29 and 41 days to complete. Consequently, the report does not indicate the actual availability of elevators at those subway stations. NYCT officials told us that this practice – taking an elevator out of inventory when it is being rehabilitated or replaced – is used by industry. We believe NYCT should provide passengers with more accurate information by issuing a supplemental report that indicates which elevators are slated for major rehabilitation or replacement.

Evacuation Procedures

NYCT officials informed us that *Procedures for Evacuating Mobility-Impaired Customers* were in place but had not been formalized. In 2001, a passenger in a wheelchair was stranded at an NYCT subway station where the elevator was out of service, and station employees did not know what to do. It took hours to get the customer, who was on a battery-operated support system, out of the station and on her way home. It appears that the employees handling this incident were not aware of the procedures, and the experience in this case influenced the ADA Compliance Office to formalize the procedures later that year. Still, the final written policy was not issued until July 2002.

Elevator Maintenance Cost

We tried to determine what it costs the NYCT each year for subway station elevator maintenance and repairs related to ADA requirements. However, Elevator and Escalator Department officials told us such information is not available because cost data for ADA and non-ADA elevators are not separated. They added that specialized computer software was available that could allow them to maintain such cost information, and would help NYCT maintain the elevators more efficiently and less expensively.

Recommendations

8. Assess the feasibility of using electronic monitoring devices that report elevators automatically when they are out of service.

(Authority Officials agree with this recommendation.)

9. Update the out-of-service elevator hotline more frequently, as changes occur.

(In response to the draft audit report, Authority officials repeated the process for reporting out-of-service elevators. They did not address the recommendation, which called for a change in the process.)

Recommendations (Cont'd)

10. Require daily inspections of all elevators by subway station supervisors, including elevators not owned by NYCT. Verify that they are being cleaned in a timely manner and reported to the hotline when found to be out of service.

(Authority officials responded that they inspect subway stations daily.)

11. Provide a supplemental report that lists elevator availability data by station, including elevators that are being rehabilitated or replaced.

(In response to Recommendation 11, Authority officials indicate that their current reporting method is consistent with industry reporting requirements as well as with recommendations from the American Public Transit Association. They add that supplemental information is available.)

Auditor's Comments: While the Authority's current reporting method may be consistent with industry standards, they overstate the true elevator availability, as pointed out in our report.

12. Explore the feasibility of providing elevator redundancy at ADA stations that are scheduled for rehabilitation and construction.

(In response to Recommendation 12, Authority officials indicate that they do not agree because it is not always feasible to provide elevator redundancy in pre-existing stations.

Auditor's Comments: While not always feasible, redundant elevators may be feasible at some subway stations.)

13. Ensure that the *Procedures for Evacuation Mobility-Impaired Customers* are posted at all strategic locations and that staff are trained in their use.

Recommendations (Cont'd)

(In response to Recommendation 13, Authority officials indicate the *Procedures* are not applicable to rescue operations, but they will distribute the policy to all concerned.)

14. Consider purchasing computer software for the Elevator and Escalator Department that will help track the costs of maintaining ADA elevators and keeping them in good repair.

(Authority officials responded that they will advocate the purchase of software if the expected outcome will enhance operations.)

SIGNAGE

The placement of adequate signage that can lead passengers to accessible entrances and elevators continues to be a problem. ADA Accessibility Guidelines require that, when an accessible route is different from that of the general public, signage shall be provided to direct customers with disabilities along the accessible route. Every station entrance should have a sign indicating the location of the accessible entrance, as well as adequate way-finding signs that will help people with disabilities find the elevators and the designated boarding areas. Because elevators can be installed only in a limited number of locations, these entrances are sometimes found far from the regular ones. Although NYCT officials appear to be making a conscientious effort to provide adequate signage, as yet they have not developed written criteria to guide the sign installers. The NYCT Capital Program Management design team, including ADA Compliance Office officials, determines where the signs should be installed and then walks through the station to finalize the placement decisions.

When we visited 30 key and non-key subway stations, we found it was not easy to follow the indicated route to locate the accessible entrances, elevators, or ramps at 24 of the stations. Thus we concluded that more signage was needed at these stations. We also found 13 platforms without a designated boarding area for passengers with disabilities. Follow-up inspections by ADA Compliance Office staff also disclosed that more signage was needed at the subway stations they inspect, such as the recently-inspected one at 161st Street. NYCT officials agreed with our observations and informed us that signage was being increased at these stations. They said the signage for designated boarding areas was scheduled and was in the process of being installed during our audit. However, NYCT officials did not agree that it would be beneficial to have standardized signage requirements because, they noted, virtually all the stations are unique. The practice of performing a station walk-through without standard criteria as a guide for sign-placement reduces assurances that adequate signage will be installed consistently at all key subway stations. In addition, it allows for different results as staff is rotated.

Recommendation

15. Develop standard criteria for staff to use as guidance for determining where signage should be installed.

(In response to our draft audit report, Authority officials indicate that they adhere to the signage guidelines including those in the Federal Transit Administration's handbook.)

Auditor's Comments: As noted in our report, we sometimes found it difficult to follow indicated routes to locate the accessible entrances, elevators or ramps at most of the subway stations we visited and concluded that, while NYCT may meet the minimum standards, additional signage would be useful.

ADA COMPLIANCE OFFICE

ADA Compliance Office staff perform various tasks intended to confirm that subway stations are ADA-compliant, such as reviewing and approving station designs, inspecting and certifying completed ADA stations, performing follow-up inspections of stations, verifying that employees are receiving required ADA training, communicating with the disabled community, and preparing and disseminating publications that describe NYCT's accessibility programs. However, the unit had no operating plan for performing, documenting, or monitoring these tasks to ensure that they consistently met or achieved the Office's purposes. Also, the Office did not maintain documentation of completed station inspections. Consequently, to assure management that NYCT is meeting and continuing to meet ADA requirements, current Office staff is developing procedures for performing station inspections and correcting non-compliant conditions. Such procedures should be in writing, and, in addition to the previously described tasks, should include procedures for monitoring employee training and for performing outreach activities that serve the needs of people with disabilities.

Recommendation

16. Establish an operating plan for ADA compliance for performing, documenting, and monitoring Office tasks.

(In response to the draft audit report, Authority officials disagreed that an operating plan is needed because, at present, reports are regularly made to senior management. The FTA has indicated no dissatisfaction with the Authority's method for reporting progress.)

Auditor's Comments: While the current management and staff may have a process for meeting the needs of senior management and the FTA, this does not provide assurance that it would continue if other individuals are assigned to these tasks in the future. We believe a written operating plan would provide a resource that could be useful to new employees.

New York City Transit Rapid Transit Services for People with Disabilities Summary of Subway Station Observations										
Station	Need Curb Cutout	Elevator					Gap Exceeds Minimum	Signage		Usage by Person in Wheelchair
		Out of Service	Unsanitary	Dimly Lit	Intercom Not Working	No Reply to Intercom		Need Boarding Area	Need to Improve	
1. Coney Island/Stillwell							X	X	X	
2. Borough Hall 2 & 3 *					X	X	X	X	X	1
3. Canarsie/RockwayPkw								X		
4. 207 th St & Broadway					X					
5. 175 th St & Broadway						X			X	
6. 66 th St & Lincoln Center					X	X	X	X	X	
7. 14 th St & Union Square	X	X			X		X	X	X	
8. Great Kills							X	X	X	
9. Dongon Hills										
10. 34 th St & 7 th Ave						X			X	
11. 34 th St & Broadway *			X	X					X	1
12. 34 th St & 6 th Ave *			X	X		X	X		X	
13. Atlantic Avenue									X	
14. Franklin Avenue							X	X	X	
15. Church Avenue					X	X	X			
16. Flatbush Avenue			X			X	X		X	
17. Brooklyn Bridge			X						X	1
18. 42 nd St & GrdCentral		X			X			X	X	1
19. 42 nd St & 8 th Ave									X	
20. 125 th St & Lex. Ave.		X			X		X			
21. 3 rd Ave & 149 th St									X	1
22. 51 st St & Lex Ave									X	
23. Simpson Street			X	X			X			2
<i>Non-Key Stations:</i>										
1. 50 th St & 8 th Ave C,E)**			X	X			X	X	X	
2. 63 rd St & Lexington Ave							X	X	X	
3. Roosevelt Island		X					X	X	X	1
4. 21 st St & Queensbridge							X		X	
5. St. George							X	X	X	
6. Tottenville							X	X	X	
7. Borough Hall 4 & 5 *									X	
Totals	1	4	6	4	7	7	17	13	24	8

* Considered separate stations per ADA Plan. ** Considered one station.

MAJOR CONTRIBUTORS TO THIS REPORT

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Lawrence G. Reuter
President



July 3, 2003

Honorable Peter S. Kalikow
Chairman
Metropolitan Transportation Authority
347 Madison Avenue
New York, NY 10017

Re: NYS Comptroller's Draft Audit Report (2001-S-69)

Dear Chairman Kalikow:

This responds to the May 30, 2003 New York State Comptroller's Draft Audit Report, Number 2001-S-69 on MTA New York City Transit's rapid transit services for persons with disabilities. Our responses are arrayed consistent with the order in which recommendations appear in the report.

1. **Recommendation:** Monitor or study the use of accessible stations by people with disabilities, especially those using wheelchairs, to promote increased usage of the system by these people.
- 1a. **Response:** We intend to discuss this recommendation with Marketing staff in order that we may properly analyze the potential benefit, if any, of capturing this information.
2. **Recommendation:** Develop written standardized inspection procedures.
- 2a. **Response:** We have informed the audit team that our ongoing Process Improvement Goal, started in 2001, includes written procedures and check-lists for ensuring that once a Key Station is accepted and brought into ADA Compliance, it will be policed by the staff for ongoing and subsequent compliance. Additionally, the Department of Subways has standardized inspection procedures for both Stations and the Elevator & Escalator Division.

MTA New York City Transit is an agency of the Metropolitan Transportation Authority, State of New York
Peter S. Kalikow, Chairman

3. **Recommendation:** Inspect subway stations more frequently.
- 3a. **Response:** The Department of Subways inspects stations daily, whereby malfunctioning elevators are reported to the “hotline” and dirty elevators are cleaned in a timely manner. Supervisory and managerial employees report malfunctioning elevators to building owners. We will, however, reinstruct supervisory and managerial employees to test the talk-back systems during these daily inspections.
4. **Recommendation:** Insist on more timely corrective actions to resolve the problems observed.
- 4a. **Response:** Out of service elevators are reported immediately by the Department of Subways. However, malfunctioning non-NYCT elevators are reported to the building owners, but not included in the “hotline” since we do not own them. This year, we will have achieved a reliability goal of 98.4 percent, which will be the highest ever recorded.
5. **Recommendation:** Provide enhanced monitoring over heavily-vandalized elevators.
- 5a. **Response:** Out of service elevators are reported by operating personnel to the Elevator & Escalator Control Desk, including vandalism. All new elevators are equipped with CCTV to minimize vandalism and enhance customer security.
6. **Recommendations:** Continue looking for ways to minimize the gaps between platforms and subway cars. In choosing ADA stations to rehabilitate, consider selecting those stations with gaps that can be minimized the most.
- 6a. **Response:** MTA New York City Transit complies with, or exceeds, the gap requirements as defined in 49 CFR, Federal Register. Virtually all of the Key Stations were identified years before the audit commenced. Where we have determined the gap modifications could not be made to comply with ADA, we have already eliminated those stations from consideration and declared them “infeasible.”

7. **Recommendation:** Undertake a new feasibility study that evaluates using bridge plates to overcome the gaps between platforms and subway cars and considers how it was possible for other transit systems cited in the report to utilize bridge gaps.
- 7a. **Response:** The use of bridge plates has been considered in the past but rejected because of increased dwell time requirements, given the compressed intervals between trains on our system, compared to lines where it is used.
8. **Recommendation:** Assess the feasibility of using electronic monitoring devices that report elevators automatically when they are out of service.
- 8a. **Response:** We agree that customers would be more properly served with electronic monitoring of elevator availability. All new elevator installations are equipped with a remote monitoring system that reports when elevators are out of service. In addition, the Department of Subways has requested Capital Revolving Fund resources in 2004 to retrofit some of our existing installations.
9. **Recommendation:** Update the out-of-service elevator hotline more frequently, as changes occur.
- 9a. **Response:** The hotline information is updated four times daily at 6 a.m., 10 a.m., 3 p.m. and 10 p.m. For this reason, it is possible that some disruptions in service may be of a duration in which the deficiency is repaired prior to the next subsequent update. For example, if an elevator is out at 10:30 a.m. and returned to service at 2:30 p.m., it will miss the "hotline" altogether.
10. **Recommendation:** Require daily inspections of all elevators by subway station supervisors, including elevators not owned by NYCT. Verify that they are being cleaned in a timely manner and reported to the hotline when found to be out of service.
- 10a. **Response:** See response to number 3.
11. **Recommendation:** Provide a supplemental report that lists elevator availability data by station, including elevators that are being rehabilitated or replaced.
- 11a. **Response:** Our method of reporting out of service elevators is both standard and consistent with reporting requirements in the industry. It is also consistent with recommendations from the American Public Transit Association. Supplemental information is already available.

12. **Recommendation:** Explore the feasibility of providing elevator redundancy at ADA stations that are scheduled for rehabilitation and construction.
- 12a. **Response:** Because it is not always feasible to provide elevator redundancy in pre-existing stations, we cannot agree with this recommendation.
13. **Recommendation:** Ensure that the Procedures for Evacuation (of) Mobility-Impaired Customers are posted at all strategic locations and that staff are trained in their use.
- 13a. **Response:** As explained to the audit team, "Procedures for Evacuating Mobility-Impaired Customers" have always been in place. The cited regulation is not applicable to rescue operations. Nevertheless, MTA New York City Transit has always had Emergency Evacuation Procedures for customers. We will ensure that the policy is widely distributed to all concerned.
14. **Recommendation:** Consider purchasing computer software for the Elevator and Escalator Department that will help track the costs of maintaining ADA elevators and keeping them in good repair.
- 14a. **Response:** This information is currently available in the Department of Subways, Elevator & Escalator Division. Certainly, we will advocate the purchase of software if the expected outcome will enhance our operation.
15. **Recommendation:** Develop standard criteria for staff to use as guidance for determining where signage should be installed.
- 15a. **Response:** NYCT has standard criteria to use as guidance for determining where signage should be installed. Standards are published under our current MTA Sign Manual. We also have a handbook from the Federal Transit Administration (FTA) that describes in great detail guidelines for signage related to ADA requirements, which we adhere to.

16. **Recommendation:** Establish an operating plan for ADA compliance performing, documenting and monitoring office tasks.
- 16a. **Response:** Mostly all of the information requested has since been provided to the audit team. Progress is regularly reported to senior management via our quarterly report and face-to-face meetings with FTA staff. The past four quarterly reports have been provided. Additionally, FTA has not indicated any dissatisfaction with our method of reporting our progress or items of critical importance. Because of this, we do not agree that an Operating Plan could provide added benefit to a mission that is already clearly understood.

It is important to note in closing that MTA New York City Transit staff has continued to cooperate with the Office of the State Comptroller concerning this audit. We advised the audit staff that it was apparent that the final outcome of the report could have been written more favorably, rather than focusing on negative specifics. For example, it was explained more than once that because MTA New York City Transit is deeply committed to achieving transportation accessibility for all individuals, that we generally view these audits as a constructive part of this endeavor, provided the observations and recommendations are reasonable. But recommendation number 6 still insists on revising a list of key stations which took years to develop with community participation and subsequent FTA approval.

Likewise, our ongoing commitment to meet the terms of our Voluntary Compliance Agreement with the Federal Transit Administration (FTA) is monitored independently by FTA's oversight consultants and apart from a few deficiencies pointed out in these ongoing audits, they nevertheless show our compliance, organizational commitment and progress in achieving ADA objectives.

Honorable Peter S. Kalikow
July 3, 2003
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In closing, we would like a copy of our August 1, 2002 response, which covers many of these issues, attached and to be made a part of the permanent record.

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence G. Reuter", with a long horizontal flourish extending to the right.

Lawrence G. Reuter
President

cc: K.N. Lapp
M. Fucilli
M. Lombardi
M. Nagaraja
M. Schnabel



New York City Transit

August 1, 2002

Mr. Roger Mazula
Audit Supervisor
Office of the State Comptroller
Management Audit Group – 11th Floor
110 State Street
Albany, New York 12236

Dear Mr. Mazula:

This responds to the June 24, 2002 report of preliminary observations concerning the New York State Comptroller's audit of MTA New York City Transit's compliance with the Americans with Disabilities Act. As requested, the following information is being provided in order to assist the audit staff to resolve questions and to incorporate our views related to the audit observations. Our responses are arrayed consistent with the order in which the observations appear in the report.

1. Although we are compliant with ADA requirements, there are times when signage will be vandalized, stolen or temporarily removed. Of the 16 stations recommended for improvement, we have since increased signage at eight stations where the preliminary observations were accurate. It would not be beneficial to have standardized signage requirements because virtually all of our stations are unique. Because of this, the station-specific-walk-through method generates better results.
2. The ADA Compliance Office participates in all phases of Capital Projects including scope development, preliminary feasibility studies, design, construction and project acceptance. We have provided the audit team with samples of such participation at Dekalb Avenue and 161st Street, Yankee Stadium.
3. MTA New York City Transit complies with, or exceeds, the gap requirements as defined in 49 CFR, Federal Register. Virtually all of the Key Stations were identified years before the audit commenced. Where we have determined that gap modifications could not be made to comply with ADA, we have already eliminated those stations from consideration and declared them "infeasible." We have previously considered the use of "bridge plates" and determined that it would not be either practical or cost-efficient.

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August 1, 2002
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4. We have provided the audit team with samples of participation and project acceptance for the last three stations completed.
5. We agree that in some cases, written procedures or guidelines might be helpful to the mission, of the ADA Compliance Office. We have informed the audit team that our current Process Improvement Goal, started in 2001, and continuing this year, includes written procedures and check-lists for ensuring that once a Key Station is accepted and brought into the fold, it will be policed by the staff for ongoing and subsequent compliance.

The ADA Compliance Office is generally satisfied with current procedures for tracking employee training. This information is maintained by the Operating Divisions and is readily available, on an as-needed basis.

6. Mostly all of the information requested has since been provided to the audit team. Progress is regularly reported to senior management via our quarterly report and face-to-face meeting with Federal Transit Administration (FTA) staff. The past four quarterly reports have been provided to your staff. Additionally, FTA has not indicated any dissatisfaction with our method of reporting our progress or items of critical importance.
7. While the observation that ADA does not require monitoring of subway use by people with disabilities is accurate, if it is pursued, certainly it should not be the role of the ADA Compliance Office. We intend to discuss this recommendation with Marketing staff in order that we may properly analyze the potential benefit, of capturing this information.
8. As explained to the audit team, "Procedures for Evacuating Mobility-Impaired Customers" have always been in place. The cited regulation is not applicable to rescue operations. Nevertheless, MTA New York City Transit has always had Emergency Evacuation Procedures for customers. The policy has since been formalized and authorized by the President.
9. The Department of Subways, in accordance with published annual goals, reports on both availability and reliability of elevators system-wide on a monthly basis. Through this reporting mechanism, the ADA Compliance Office monitors elevator performance. The purpose of the "hotline" is to provide a mechanism for customers to know when an elevator is out of service. For the past five year period, except in 2001, in which preventive maintenance procedures were significantly enhanced, and consequently availability was slightly decreased, the Elevator and Escalator Division has maintained superior operating performance. Tracking information has been provided to the audit staff.

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10. It is obvious that there is some confusion throughout the report as it relates to “hotline” vs. “actual” reporting of elevators not in service. It is not the responsibility of Division of Stations supervisory personnel to call any hotline. Instead, they are required to report the malfunctioning equipment to the Elevator and Escalator Control Desk for appropriate follow-up attention. The Elevator and Escalator Control Desk staff are responsible for updating the “hotline” information.
11. There are 11 components that comprise ADA compliance in a station. These include accessible route, entrance, doors, ramps, elevators, automated vending machines, platforms, public address systems, telephones, signage and warning strips. Altogether, 308 components would have been looked at in 28 stations in order to measure overall ADA Compliance. Some of the observations aren’t part of ADA regulations. We have provided the results of the last three comprehensive audits performed by independent consultants for the FTA, each of which shows our compliance, organizational commitment and progress in achieving ADA objectives.

A point has to be made concerning the number of customers who choose to take advantage of the elevators. Elevators are not installed exclusively for disabled customers. They are available to all customers. Although the preliminary observations show little use among the disabled, we are pleased that the report accurately reflects increased usage for customers in general, including senior citizens and others with children.

12. The hotline information is updated four times daily at 6AM, 10AM, 3PM and 10PM. For this reason, it is possible that some disruptions in service may be of a duration in which the deficiency is repaired prior to the next subsequent update. For example, if an elevator is out at 10:30 AM and returned to service at 2:30 PM it will miss the “hotline” altogether.
13. In order for us to respond properly to this observation, we need to know the station, number of elevators in the station and precise times unavailable to customers. When we have this information, it will then be practical to arrive at information that will determine (a) whether a portion, rather than “all” of a station was inaccessible (b) the population of elevators in the station (c) comparing availability of these elevators with an hour-for-hour match against the observation and (d) determining the portions of a station or percent inaccessible on a given date rather than assuming these were entirely unavailable.

Mr. Roger Mazula
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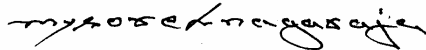
14. We agree that customers would be more properly served with electronic monitoring of elevator availability. MTA New York City Transit has now adopted this requirement in our planning process. We expect to have the first four elevators at Grand Central Station retrofitted by year-end.
15. Posting the "hotline" number in stations is not a requirement of ADA. The number is posted in subway cars, on subway maps and the Internet. Additionally, all managerial and supervisory employees in the Division of Stations are familiar with the procedures for reporting malfunctioning equipment in stations. Nevertheless, the ADA Compliance Office will pursue having the number posted in stations, so that customers will be able to call if an elevator is out of service.
16. The report needs to differentiate between reliability and availability. Reliability includes 24 hours and excludes only the time the equipment is not in service for unscheduled repairs. For example, if an elevator operates 24 hours x 7 days, its reliability would be 168 hours for the week. This assumes that the elevator was not stopped for unscheduled repairs. Availability, on the other hand, starts with the same number of hours in a week, and then subtracts all unavailable time including when the elevator is deliberately shut down for preventive maintenance activities. As previously discussed, preventive maintenance activities had been significantly enhanced starting in 2001. Consequently, availability, rather than reliability was slightly lowered in 2001.
17. We do not agree. The progress and level of achievement by Maintenance of Way staff would become both skewed and biased if we did. As was discussed with the audit team, it would be statistically peculiar if, for example we were to include rolling stock undergoing major overhaul in the Mean Distance Between Failures (MDBF) data. The same is true for Elevators and Escalators. This is a generally accepted and objective exclusionary method in many service industries. As a result, we will continue to exclude those elevators undergoing major capital rehabilitation or replacement from the asset inventory until beneficial use is achieved.
18. In order for us to respond properly, we need to know precisely when the elevator was not available in a 24 hour period. There are 8,760 hours in a year. Was the 5% elevator unavailable for 438 hours? Was the 25% elevator unavailable for 2,190 hours? If not, may we suggest that the observation be re-worded?
19. See response provided for number 12.
20. It is possible that someone other than those who should have may have intercepted the process and prematurely reported equipment out-of-service. This is usually the outcome of vandalism in which the emergency stop buttons are activated or debris may be caught in the door track. It will then be reported erroneously to the "hotline." During this time, an operating employee may respond to investigate and re-start the equipment.

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21. See response provided for number 5.

I hope that the foregoing information will be helpful to both you and the audit team for purposes of resolving questions and incorporating our views related to the preliminary observations. Because MTA New York City Transit is deeply committed to achieving transportation accessibility for all individuals, we will continue to view these audits as a constructive part of this endeavor.

Sincerely,



Mysore L. Nagaraja, P.E.
Senior Vice President & Chief Engineer
Department of Capital Program Management

cc: L. G. Reuter
J. Hofmann
M. Schnabel
C. Crawford