



U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF INSPECTOR GENERAL

**FTA Has an Opportunity To Further
Promote Lessons Learned
To Enhance the Protection of
Rolling Stock at Transit Agencies**

FTA

Report No. ZA2019048

April 3, 2019





FTA has an Opportunity To Further Promote Lessons Learned To Enhance the Protection of Rolling Stock at Transit Agencies

Self-Initiated

Federal Transit Administration | ZA2019048 | April 3, 2019

What We Looked At

Hurricane Sandy caused widespread damage to the transportation infrastructure in the mid-Atlantic and northeastern United States in October 2012. This included damage to transit vehicles—buses, vans, cars, railcars, and locomotives, referred to as rolling stock—in the New York City metropolitan area. To support communities with damaged public transit systems, Congress appropriated \$10.9 billion to the Federal Transit Administration (FTA), which provided funds to the transit agencies in the affected areas. Accordingly, our objectives were to assess (1) FTA’s implementation of relevant guidance and oversight of emergency planning as it relates to the rolling stock of recipients impacted by Hurricane Sandy and other natural disasters and (2) the extent to which lessons learned from experiences with protecting rolling stock during Hurricane Sandy have been incorporated into emergency relief plans and procedures at FTA and the Office of the Secretary of Transportation.

What We Found

Consistent with the Agency’s interpretation of its authority under current Federal law, FTA does not require recipients to develop plans to protect rolling stock before an emergency and assumes a limited role in discussing such activities. Although they lacked a Federal requirement to do so, the five transit agencies we reviewed put emergency procedures in place before the hurricane struck. Still, they experienced over \$171 million in damage to rolling stock vehicles, which suggests there are benefits to improving the protection of rolling stock. Furthermore, FTA could do more to promote the lessons learned by its recipients, which might help transit agencies elsewhere protect their own rolling stock during future disasters. However, FTA doesn’t provide a consistent or centralized means for sharing lessons learned to help other transit agencies protect their assets—actions that could result in disaster-related cost savings.

Our Recommendations

We made two recommendations to improve the protection of public transit agency assets from future disasters. FTA partially concurred with the first recommendation and fully concurred with the second.

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Memorandum

Date: April 3, 2019

Subject: ACTION: FTA Has an Opportunity To Further Promote Lessons Learned To Enhance the Protection of Rolling Stock at Transit Agencies | Report No. ZA2019048

From: Mary Kay Langan-Feirson
Assistant Inspector General for Acquisition and Procurement Audits 

To: Federal Transit Administrator

Hurricane Sandy caused widespread damage to the transportation infrastructure in the mid-Atlantic and northeastern United States in October 2012. This included damage to transit vehicles—buses, vans, cars, railcars, and locomotives, referred to as rolling stock¹—at transit agencies in the New York City metropolitan area. As the Federal Transit Administration (FTA) routinely offers financial and technical assistance to local public transit systems, Congress appropriated \$10.9 billion to FTA’s Emergency Relief Program—through the Disaster Relief Appropriations Act (DRAA)²—to support communities whose public transit systems were damaged by the storm. FTA made DRAA funds available to transit agencies affected by the hurricane via recovery and resiliency grants, beginning in February 2013.

Accordingly, our objectives were to assess (1) FTA’s implementation of relevant guidance and oversight of emergency planning as it relates to the rolling stock of recipients impacted by Hurricane Sandy and other natural disasters and (2) the extent to which lessons learned from experiences with protecting rolling stock during Hurricane Sandy have been incorporated into emergency relief plans and procedures at FTA and the Office of the Secretary of Transportation (OST).

To complete our assessment, we interviewed representatives from OST Intelligence, Security and Emergency Response, FTA Office of Safety Review, FTA Office of Program Management, FTA Regions 2 and 6, New York State Department of Transportation, State of New Jersey, New York Metropolitan Transit Authority (MTA), New Jersey Transit (NJ Transit), Port Authority Trans Hudson (PATH), City of Long Beach, NY, and New York City Department of

¹ Rolling stock is defined in the Buy America regulations: Title 49, Code of Federal Regulations (CFR), Part 661.3.

² The Disaster Relief Appropriations Act of 2013, Pub. L. No. 113-2 (January 29, 2013).

Transportation (NYCDOT). We reviewed plans for protecting rolling stock and other assets in the event of an emergency that were in place prior to Hurricane Sandy in 2012, as well as subsequent changes implemented by the recipients listed above. We also interviewed staff in FTA Region 6 and at Houston METRO to learn how they protected assets during Hurricane Harvey in 2017. Finally, we reviewed OST's and FTA's directives and guidance affecting emergency planning, Presidential Policy Directives (PPD), and other Federal and departmental policies and guidance.

We conducted this audit in accordance with generally accepted Government auditing standards. Exhibit A details our scope and methodology. Exhibit B lists the entities we visited or contacted.

We appreciate the courtesies and cooperation of Department of Transportation (DOT) representatives during this audit. If you have any questions concerning this report, please call me at (202) 366-5225 or Darren Murphy, Program Director, at (206) 255-1929.

cc: The Secretary
DOT Audit Liaison, M-1
FTA Audit Liaison, TBP-30

Background

In July 2012, Congress established FTA's Emergency Relief Program through the Moving Ahead for Progress in the 21st Century Act (MAP-21)³—less than 3 months before Hurricane Sandy struck. MAP-21 directed FTA to develop an Emergency Relief Program to enable it to provide funds for States and public transportation systems to protect, repair, or replace assets—including rolling stock—damaged in an emergency, such as a natural disaster.

In its primary role as a grant-making organization, FTA focuses on emergency response and recovery after a disaster occurs. This takes the form of financial and technical assistance provided to transit agencies throughout the country. In March 2013, FTA and the Federal Emergency Management Agency (FEMA) signed a Memorandum of Agreement (MOA) that outlined their roles and responsibilities for restoring public transportation systems in areas covered by a Presidential emergency declaration. The MOA was a key DRAA requirement that had to be in place before FTA could release most of its Hurricane Sandy disaster-relief funds. It stated that FEMA has primary Federal responsibility for emergency preparedness, response, and recovery in major disasters and emergencies, and FTA plays a supporting role, providing technical assistance and assisting FEMA during and after such declared events. The MOA also made FTA responsible for reimbursing emergency response and recovery costs for public transportation systems when FTA's Emergency Relief Program has grant funds available.

In addition, two PPDs provide guidance for Federal agencies facing natural disasters and other emergencies. A 2011 PPD⁴ focuses on the development of a national preparedness system that incorporates steps for prevention, protection, mitigation, response, and recovery. A 2013 PPD⁵ requires the Federal Government to take proactive steps to manage risk associated with emergencies and strengthen the security and resilience of the Nation's critical infrastructure. Both PPDs assign responsibility for these efforts to the Department of Homeland Security, in coordination with other Federal agencies, including DOT.

³ Pub. L. No. 112-141 (July 6, 2012). MAP-21 also created new responsibilities for FTA to evaluate asset management and regulate the safety of transit systems.

⁴ PPD-8, National Preparedness, March 30, 2011.

⁵ PPD-21, Critical Infrastructure Security and Resilience, February 12, 2013.

Results in Brief

FTA plays a limited role in the protection of rolling stock during emergencies.

While FTA's Emergency Relief Manual⁶ provides suggestions for protecting rolling stock during natural disasters or other emergencies the agency plays a limited role in overseeing recipients' actions to implement these suggestions. This is consistent with the Agency's interpretation of its authority under current Federal law, which prohibits FTA from regulating the operations of its grant recipients. Thus, FTA does not require recipients to develop plans to protect rolling stock before an emergency and assumes a limited role in discussing plans for protecting assets in the event of an emergency.

To varying degrees, the five transit agencies⁷ in New York and New Jersey we reviewed had emergency procedures in place before Hurricane Sandy hit in October 2012, demonstrating they took actions to protect rolling stock without a Federal requirement to do so. However, these transit agencies experienced over \$171 million in damage to more than 470 rolling stock vehicles as a result of the storm. This suggests that there are benefits to finding opportunities to improve rolling stock protection during disasters despite the limitations imposed on FTA.

FTA can do more to protect rolling stock by promoting lessons learned in past emergencies.

In the years that followed Hurricane Sandy, all five transit agencies in our review found ways to improve their procedures for protecting rolling stock in an emergency. Other transit agencies that have not yet experienced a similar natural disaster might benefit from these lessons learned and ultimately reduce the risk of damage to their own rolling stock. According to an FTA official, the Agency supports and makes various resources available to help transit agencies prepare for emergencies. For example, FTA recently sponsored a Transportation Research Board (TRB) report⁸ that documents lessons learned by transit agencies around the world following a disaster. Also, FTA's Emergency Relief Manual lists disaster-preparation actions transit agencies might consider, including best practices for protecting assets during natural disasters. However, FTA doesn't provide its recipients with a consistent means or a centralized location for sharing lessons

⁶ FTA, *Emergency Relief Manual: A Reference Manual for States and Transit Agencies on Response and Recovery from Declared Disasters and FTA's Emergency Relief Program (49 U.S.C 5324)*, September 30, 2015.

⁷ The New York Metropolitan Transit Authority (MTA), New Jersey Transit, New York City Department of Transportation, Port Authority Trans-Hudson (PATH), and City of Long Beach, NY.

⁸ "Improving the Resilience of Transit Systems Threatened by Natural Disasters," *Literature Review and Case Studies*, vol. 3 (May 2017).

learned to help other transit agencies protect their assets—actions that could result in disaster-related cost savings.

We are making recommendations to improve the protection of rolling stock from future natural disasters.

FTA Plays a Limited Role in the Protection of Rolling Stock During Emergencies

FTA's Emergency Relief Manual advises recipients to protect critical infrastructure and develop emergency plans that include protocols for dealing with vehicles, such as moving them out of flood-prone areas and parking them in structurally safe facilities. However, except in the case of an emergency, Federal law prohibits⁹ the Secretary of Transportation, and therefore FTA, from regulating the operations of grant recipients. Due to this provision, FTA assumes a limited role and does not require recipients to develop plans to protect rolling stock in an emergency. Each recipient decides for itself whether to implement procedures for protecting rolling stock in the event of a natural disaster. As a result, FTA assumes a limited role in:

- Discussing plans and resource requirements for the protection of rolling stock and infrastructure with recipients before a natural disaster occurs;
- Discussing plans for protecting and maintaining rolling stock in the event of a future emergency before awarding disaster-relief grants to transit agencies; and
- Examining procedures for protecting assets during its Triennial Reviews¹⁰ of recipient operations, procurement processes, and safety programs.

According to FTA officials, limitations on DOT's authority prevent the Department from requiring transit agencies to establish asset-protection procedures prior to a natural disaster. Agency officials also stated that FTA involvement might conflict with FEMA's authority to manage emergency planning efforts. Moreover, even if such authority existed, Agency officials pointed out, it would be very difficult for any Federal agency to technically evaluate local emergency planning decisions.

None of the Government entities involved in our review verifies whether recipients take steps to protect rolling stock—before, during, or after an

⁹ Title 49, U.S. Code (U.S.C.), section 5334(b), Prohibitions Against Regulating Operations and Charges.

¹⁰ FTA's Triennial Reviews take a broad look at recipient management practices as well as compliance with program and administrative requirements across a broad spectrum of topic areas in accordance with 49 U.S.C., chapter 53.

emergency. The Federal Railroad Administration (FRA) and the States conduct oversight reviews of transit agency safety plans, but they do not examine emergency planning procedures specifically for protecting rolling stock. In addition, FEMA has explicit authority that requires States, as a condition for non-emergency funding, to submit a FEMA-approved State Hazard Mitigation Plan (HMP) every 5 years.¹¹ However, our review of the most recent HMPs for New York and New Jersey—which date from 2014—found that the plans did not account for recipients’ procedures for protecting rolling stock in an emergency.

Within OST, the Office of Intelligence, Security and Emergency Response coordinates with FEMA to put processes in place to build resiliency against threats to national security, which include natural disasters. However, according to the Deputy Director—while the office coordinates with each Operating Administration (OA), including FTA, to facilitate preparedness and recovery, it does not interact with local agencies regarding the protection of assets such as rolling stock.

Regardless of the Federal requirements, the five transit agencies¹² in New York and New Jersey that we reviewed had emergency procedures, to varying degrees, for protecting rolling stock before Hurricane Sandy hit in October 2012. Still, these transit agencies experienced over \$171 million in damage to more than 470 rolling stock vehicles as a result of the storm. This suggests that there are benefits to identifying opportunities to improve rolling stock protection during disasters, despite the limitations that FTA has identified.

FTA Can Do More To Promote Lessons Learned About Protecting Rolling Stock in Past Emergencies

FTA could do more to provide its recipients with a consistent means for sharing lessons learned to help other transit agencies update their own emergency planning procedures. Facilitating the sharing of lessons learned from previous events could help reduce damage to rolling stock during future emergencies.

In the years that followed Hurricane Sandy, all five recipients in our review improved their procedures for protecting rolling stock in an emergency. Examples of improvements include comprehensive checklists for preparing facilities and updates to emergency procedures. (See table 1 for some additional lessons learned.)

¹¹ 44 CFR Part 201.3, Responsibilities.

¹² MTA, NJ Transit, NYCDOT, PATH, and City of Long Beach, NY.

Table 1. Lessons Learned Following Hurricane Sandy

Examples of Emergency Planning Strategies Developed by Transit Agencies
Use Global Positioning Satellite services to provide improved geolocation/positioning and time data at specific locations
Develop plans to identify flood inundation levels for track locations and key facilities
Identify locations to store rolling stock that are better protected from flooding in the event of a similar weather emergency, to include leasing storage space during hurricane season for example, and update emergency plans accordingly
Use water resistant flood doors and barriers to prevent station flooding and service disruption
Store electronic control equipment in elevated facilities

Source: Compilation of information provided by transit agencies in our review. OIG did not test the feasibility of these strategies.

Incorporating these lessons learned into emergency response plans could help minimize the damage and costs associated with a transit agency’s rolling stock. For example, the senior vice president of operations at Metro North Railroad, an MTA subsidiary, stated that they anticipated flooding at the East New Haven Yard along Long Island Sound. As a result, Metro North moved the rolling stock stored at that location, in accordance with its normal procedures before a severe weather event. However, the storm surge pushed farther up the Hudson River than anticipated, and the Highbridge and Harmon Yards were flooded, causing unexpected damage to infrastructure and rolling stock. As a result of Metro North Railroad’s actions, only 11 cars¹³ east of the Hudson River were damaged, and then only partially, at a total cost of \$1.65 million.

Following Hurricane Sandy, Metro North Railroad completed a self-initiated assessment of its emergency plans and modified them to include improved mitigation steps, such as relocating rolling stock to higher ground and covered areas. However, Metro North’s interaction with FTA was limited to providing damage information, which was handled mostly by MTA Headquarters. Therefore, FTA did not ask officials at Metro North Railroad to describe their new approaches to handling future catastrophic weather events to FTA, so that their lessons learned could be shared with other transit agencies.

In another example, the transit system in Houston, TX, took measures to protect its rolling stock during Hurricane Harvey in August 2017. Like Hurricane Sandy, Harvey was a large, slow-moving weather system that caused unprecedented flooding in the Houston area. According to Houston METRO officials, they knew

¹³ This represents a small portion of Metro North Railroad’s total fleet east of the Hudson, which was over 1,100 vehicles in 2013.

the bus storage facility would flood and implemented existing emergency procedures by moving 120 buses to an elevated highway overpass. One official told us this had been part of the emergency procedures for nearly a decade, long before Sandy. The officials added that Sandy had no impact on Houston METRO's emergency planning leading up to Harvey; however, lessons learned from other local hurricanes such as Katrina, Rita, and Ike did impact their plan. Harvey marked the first time Houston faced flood conditions severe enough to implement this portion of the plan. While the National Hurricane Center estimates that Harvey caused \$125 billion in damage, Houston METRO officials stated that they suffered relatively minor damage to their rolling stock fleet. They added that they shared the lessons learned from Harvey and previous hurricanes with FTA; however, they were not aware if FTA shared those or any lessons learned with other transit agencies.

Nevertheless, FTA has taken various steps to help transit agencies prepare for emergencies. In addition to the disaster preparation considerations for transit agencies discussed in the Emergency Relief Manual, FTA has also put, within the context of its authorities and responsibilities, resources toward developing and promoting strategies to better protect rolling stock and other assets vulnerable to natural disasters. These include the Agency's sponsorship of:

- TRB panel discussions with rail transit executives on lessons learned and best practices for asset protection;
- Studies into resiliency in transit systems, as well as the dissemination of any findings; and
- Conferences related to climate change and extreme weather events impact on transit systems.

FTA officials also directed us to research published on a public website by the Transit Cooperative Research Program¹⁴ to show how recipients might share information about their responses to disasters. The report features case studies from transit agencies around the world, including NJ Transit. However, although it is publicly available, recipients may not be aware that it exists, in part, because the information is dispersed among various organizations and websites.

During the course of our audit, FTA officials agreed that they could do more to make information they collect available in a central location, accessible to transit

¹⁴ The Transit Cooperative Research Program (TCRP) develops solutions to problems facing public transportation. TCRP is managed by the Transportation Research Board and is sponsored by FTA. See Transit Cooperative Research Program, *Improving the Resilience of Transit Systems Threatened by Natural Disasters, volume 3: Literature Review and Case Studies*, May 2017.

agencies as well as the general public. Such efforts could help reduce the impact and cost of repairing and replacing rolling stock after future disasters.

Conclusion

The magnitude of recent natural disasters has called attention to the emergency preparedness practices of FTA's grant recipients. The Department has an interest in ensuring that transportation assets are protected from damage to the maximum extent possible. To that end, transit agencies have updated their emergency procedures to protect their rolling stock investments, despite limited Federal guidance pertaining to rolling stock protection. However, recipients making future updates would benefit from having greater knowledge of and access to the lessons learned by other transit agencies.

Recommendations

To improve the protection of public transit agency assets in the event of future disasters, we recommend that the Federal Transit Administrator:

1. Supplement FTA's existing guidance by developing and implementing additional procedures to promote lessons learned.
 2. Provide transit agencies with a centralized source for lessons learned and encourage them to regularly refer to it when updating their processes to protect rolling stock.
-

Agency Comments and OIG Response

We provided FTA with our draft report on December 21, 2018, and received its response on March 14, 2019, which is included as an appendix to this report. FTA partially concurred with recommendation 1 and has provided an alternative course of action that meets our intent. FTA concurred with recommendation 2 and provided planned actions and completion date.

Actions Required

We consider recommendations 1 and 2 resolved but open pending completion of the planned actions.

Exhibit A. Scope and Methodology

We conducted this performance audit between November 2017 and December 2018 in accordance with generally accepted Government auditing standards as prescribed by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

To assess FTA's implementation of relevant guidance and oversight of emergency planning as it relates to the rolling stock of recipients impacted by Hurricane Sandy and other natural disasters, we reviewed directives and guidance affecting emergency planning for OST and FTA, including MAP-21, as well as other related Federal and departmental policies, guidance, and MOAs on emergency preparedness. We reviewed FRA's regulations to determine whether the Agency's passenger-focused emergency plans address the protection of rolling stock. We also reviewed FTA's 2010–2017 Triennial Review Reports for the transit agencies examined in this audit to see if they addressed FTA's reviews of emergency plans and safeguarding federally funded assets.

To assess the extent to which lessons learned from Hurricane Sandy have been incorporated into FTA emergency relief plans and DOT emergency planning procedures, we reviewed recipients' plans for protecting rolling stock and other assets during emergencies—those that were in place before the Hurricane Sandy hit in 2012, as well as changes the recipients we visited implemented after the hurricane.

We asked FTA to identify all the recipients in Region 2 that were awarded grants for rolling stock damaged during Hurricane Sandy, specifically, the New York City Metropolitan Area. From this list, we judgmentally selected recipients to visit based on the total grant dollar awarded and type of rolling stock damaged during the hurricane. As a result, we selected five agencies—New Jersey Transit, Metro North Railroad (a subsidiary of the Metropolitan Transportation Authority), Port Authority Trans-Hudson, City of Long Beach, and the New York City Department of Transportation.

Exhibit B. Organizations Visited or Contacted

Department of Transportation

Federal Railroad Administration

Federal Transit Administration

FTA Regions 2 and 6

Office of Safety Review

Office of Program Management

Office of Intelligence, Security and Emergency Response, Office of the Secretary of Transportation

Other Organizations

City of Long Beach, New York

Metropolitan Transportation Authority, Metro-North Railroad

Metropolitan Transit Authority of Harris County

New York City Department of Transportation

New Jersey Transit

New York State Department of Transportation

New Jersey Department of Transportation

Port Authority Trans-Hudson

Exhibit C. List of Acronyms

CFR	Code of Federal Regulations
DOT	Department of Transportation
DRAA	Disaster Relief Appropriations Act
FEMA	Federal Emergency Management Agency
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
HMP	Hazard Mitigation Plan
MAP-21	Moving Ahead for Progress in the 21st Century Act
MOA	Memorandum of Agreement
MTA	New York Metropolitan Transit Authority
NJ Transit	New Jersey Transit
NYCDOT	New York City Department of Transportation
OIG	Office of Inspector General
OST	Office of the Secretary of Transportation
PATH	Port Authority Trans-Hudson
U.S.C.	U.S. Code

Exhibit D. Major Contributors to This Report

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Appendix. Agency Comments



U.S. Department
of Transportation
**Federal Transit
Administration**

Memorandum

Subject: INFORMATION: Management Comments – Office of
Inspector General (OIG) Draft Report—DOT’s
Management and Oversight of Recipient Emergency
Plans for Protecting Federally Funded Rolling Stock

Date:

MAR 14 2019

From: K. Jane Williams
Acting Administrator
Federal Transit Administration

Reply to
Attn. of:

John Giorgis
(202) 366-5430

To: Mary Kay Langan-Feirson
Assistant Inspector General for Acquisition and Procurement Audits

Recent history has illustrated the vulnerability of transit systems to natural disasters. Hurricanes and other storms have produced flooding that has damaged transit facilities and rolling stock. The Federal Transit Administration (FTA) is committed to safeguarding the Federal investment in transit systems. FTA assists transit agencies in developing emergency plans and procedures through various mechanisms, such as guidance in its Emergency Relief Manual, outreach to areas affected by disasters, and publication of numerous resources. For example, FTA has:

- updated its Emergency Relief Manual which recommends that agency emergency plans include protocols for protecting rolling stock during emergencies, including moving vehicles out of flood-prone areas;
- reached out immediately to transit agencies to share guidance and resources during recent disasters in Florida, Texas, Puerto Rico, California, and other locations;
- promoted the development of resources, such as a report entitled, “Improving the Resilience of Transit Systems Threatened by Natural Disasters,” and an online database of resilience strategies;
- sponsored events to inform and engage stakeholders, such as a conference at the National Academies of Sciences, Engineering and Medicine held in September 2015 entitled, “Surface Transportation System Resilience to Climate Change and Extreme Weather Events;” and
- updated its Emergency Relief Program’s webpage to include comprehensive information about lessons learned from past disasters, including the FTA-sponsored reports on the subject and database of resilience strategies mentioned above.

As the OIG noted in its draft report, all five transit agencies in New York and New Jersey that the OIG reviewed had emergency procedures in place before Hurricane Sandy, and all found ways to improve their procedures after the hurricane. We believe that this demonstrates that our technical assistance efforts and other resources are having the intended effect.

FTA is committed to continuing and improving its efforts to promote lessons learned to enhance the resiliency of transit agencies to natural disasters. Based on our review of the draft report, we partially concur with recommendation one to supplement FTA's existing guidance by developing and implementing additional procedures to promote lessons learned. We do not agree to develop new procedures since we believe our guidance is comprehensive and effective. As an alternative action, we plan to send a Dear Colleague letter to all FTA recipients to ensure they are aware of the technical assistance resources described above and will update the resources as necessary. We concur with recommendation two, as written, to provide transit agencies with a centralized source for lessons learned and encourage them to regularly refer to it when updating their processes to protect rolling stock. We plan to complete actions to implement these recommendations by May 1, 2019.

We appreciate this opportunity to comment on the OIG draft report. Please contact John Giorgis, Director for Strategic Planning and Analysis, at (202) 366-5430, with any questions.

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Our Mission

OIG conducts audits and investigations on behalf of the American public to improve the performance and integrity of DOT's programs to ensure a safe, efficient, and effective national transportation system.

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