



OFFICE of INSPECTOR GENERAL
NATIONAL RAILROAD PASSENGER CORPORATION

GOVERNANCE:

Better Planning and Coordination Could Help the Company
Achieve its Aggressive Timeline for ADA Compliance

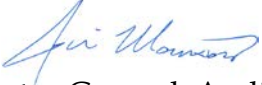
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Memorandum

To: Dennis J. Newman
Executive Vice President/Planning and Strategy

From: Jim Morrison 
Assistant Inspector General, Audits

Date: September 2, 2021

Subject: *Governance: Better Planning and Coordination Could Help the Company Achieve its Aggressive Timeline for ADA Compliance (OIG-A-2021-012)*

The Americans with Disabilities Act (ADA), which became law in 1990, required intercity rail station facilities to be accessible to persons with disabilities by July 26, 2010.¹ Amtrak (the company) missed this deadline. Beginning in 2013, the Federal Railroad Administration (FRA) obligated Amtrak to spend \$50 million of its federal grant funding annually toward achieving compliance on activities such as station projects and staff to support them. FRA increased this amount to \$75 million starting in fiscal year (FY) 2021. From FY 2015 through FY 2020, the company spent about \$346 million on these efforts.

In 2011 and 2014, we reported that the company had made limited progress toward compliance, largely because of its program's fragmented management structure,² which did not have clear lines of authority, responsibility, and accountability. We made recommendations to correct these findings in both reports. The company did not implement our 2011 recommendations, which included assigning responsibility to the senior accountable official with the authority over all ADA components and providing the program director with the authority to manage projects and related funding resources. It did, however, realign the program to the senior accountable official in 2014 after we recommended it again, and developed a written ADA strategic plan.

¹ 42 U.S.C. § 12162(e)(2)(A)(ii)(I). Facilities include the station structure, platform, and parking. The ADA considers stations to be compliant when all components, including platforms, are completed.

² *Train Operations and Business Management: Addressing Management Weaknesses Is Key to Enhancing the Americans with Disabilities Program (OIG-A-2014-010)*, August 4, 2014; *Americans With Disabilities Act: Leadership Needed to Help Ensure That Stations Served by Amtrak Are Compliant (109-2010)*, September 29, 2011.

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In June 2015, the Department of Justice (DOJ) concluded that the company still had not complied with its statutory obligations under the ADA and proposed that the company and DOJ negotiate a settlement agreement to address these issues, which the parties completed in December 2020. The settlement agreement also set milestones for the company to measure its progress in making stations compliant. The company's most recently established target date to achieve compliance is FY 2027, and it plans to spend approximately \$1.2 billion to reach it.

Given the statutory mandate and ongoing investment in this program, our objective was to assess the effectiveness of the company's efforts to achieve compliance. Our scope focused on the company's program management structure, planning, and funding for FY 2015 through FY 2020. We included the 386 stations where the company either is solely responsible for compliance or shares this responsibility with third parties such as host railroads or cities. We reviewed the company's policies governing this work and its internal progress reports. We also interviewed senior program officials on how they plan, manage, and oversee the program to mitigate risks and achieve compliance.

Additionally, we selected six stations for a more detailed review of the company's oversight of accessibility projects, including the installation of Passenger Information Display Systems (PIDS)—a key component of compliance.³ For these six stations, we also reviewed contract documents to understand the scope, cost, and oversight of work at each station. One contract we reviewed is for project management services for the entire ADA program, which includes work at these six stations. We also visited each station to observe various components of the work and identify any obstacles to achieving compliance. For more information on our scope and methodology, see Appendix A.

SUMMARY OF RESULTS

The company now has clearer lines of authority, responsibility, and accountability for the ADA program. Further, its reorganization, in line with our prior recommendations, has helped it bring 36 more stations into compliance from October 2017 through April 2021. The company cannot, however, reasonably expect to execute its aggressive

³ We reviewed files associated with the ADA and PIDS at Aberdeen, Maryland; Cumberland, Maryland; Harrisburg, Pennsylvania; Lorton, Virginia; Philadelphia, Pennsylvania; and Washington, D.C. For more information on the various components of ADA work that we observed at these stations, see Appendix B.

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plan to achieve compliance at the remaining 312 stations over the next 6 years until it develops the requisite planning to achieve its timeline. Although the company appears fully committed to achieving ADA compliance, it acknowledges that it currently does not have enough staff to manage additional projects or monitor the contractors it hired to support them. Specifically, it has not conducted and documented a comprehensive resource assessment that correlates its staffing needs to projects and contractor oversight.

Obtaining cooperation from third parties at stations where the company has sole or shared responsibility also presents hurdles to timely completion of ADA work. The company, however, has not developed and implemented guidance to assist its program staff, including what to document so that third-party issues are addressed in a timely manner.

To more effectively plan and coordinate its program to achieve compliance, we recommend that the company assess whether it can achieve its ADA timeline, given its current resources. Our recommendations also include institutionalizing guidance for program staff to help the company resolve issues with third parties in a timely manner.

In commenting on a draft of our report, the Executive Vice President/Planning and Strategy agreed with our recommendations and identified specific actions the company plans to take by December 31, 2021 to implement them. These include documenting a resource plan and establishing steps program staff can take when faced with a stalemate over station repair work. For management's complete response, see Appendix D.

BACKGROUND

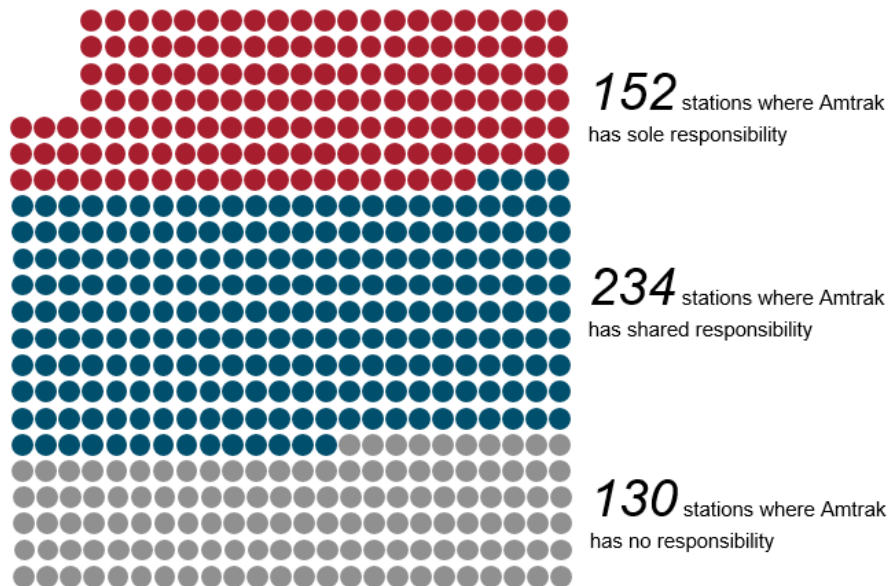
The company has reported that the ADA requires 516 stations across its rail network to be compliant. It is responsible for making various combinations of station components accessible at individual stations, including the station structure, train platform, and parking area. Based on a federal regulation⁴ and lease agreements with third parties, the company determined it has sole and shared responsibility for 386 of these stations, as Figure 1 shows.⁵ At the remaining 130 stations where the company does not have responsibility, FRA officials told us they will work with DOJ to ensure that the responsible parties fulfill their legal requirements.

⁴ 49 CFR § 37.49.

⁵ The company also services some stations where it does not have legal responsibility for compliance. These stations were outside the scope of our review.

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Figure 1. Distribution of ADA Responsibility Across Amtrak Network



**ADA requires 516 stations to
be accessible**

Source: OIG analysis of Planning and Strategy department data

In April 2021, the company also reported that 74 of the 386 stations for which it has responsibility were compliant (19 percent).⁶ To fully comply with the law, the company must address accessibility deficiencies at the other 312 stations (81 percent). To accomplish this, the company established a target date of FY 2026 in its July 2020 strategic plan.⁷ During our review, the Chief Executive Officer advised that the company's updated timeline for achieving full compliance is the end of FY 2027.

In addition to physical structures, when information is conveyed audibly in stations, the ADA requires the company to deliver equivalent messaging visually.⁸ The company is installing PIDS to provide travelers with integrated audiovisual messaging regarding train service and general announcements at 119 stations. Figure 2 shows the visual component of some of these PIDS.

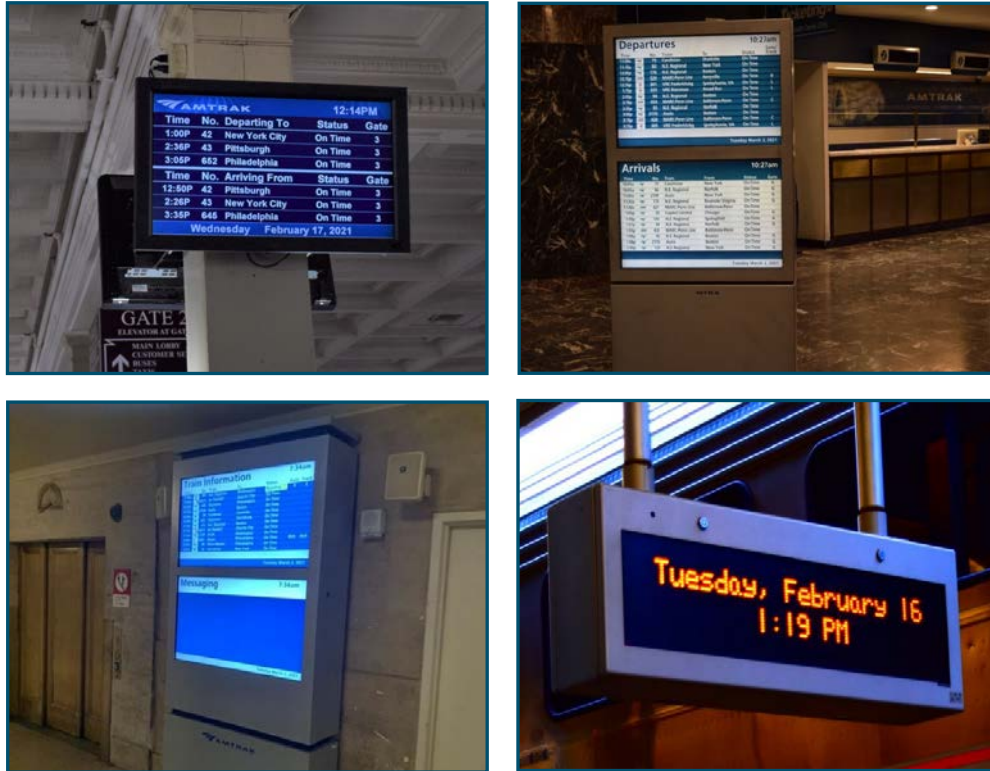
⁶ In June 2021, program officials told us they had completed all station components except the platforms at an additional 70 stations.

⁷ Amtrak, *ADA Stations Program Strategic Plan FY 2021-FY 2026*, July 2020.

⁸ 36 CFR § 1191, App. D, 810.7 (2004).

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Figure 2. Various Types of PIDS at Amtrak Stations



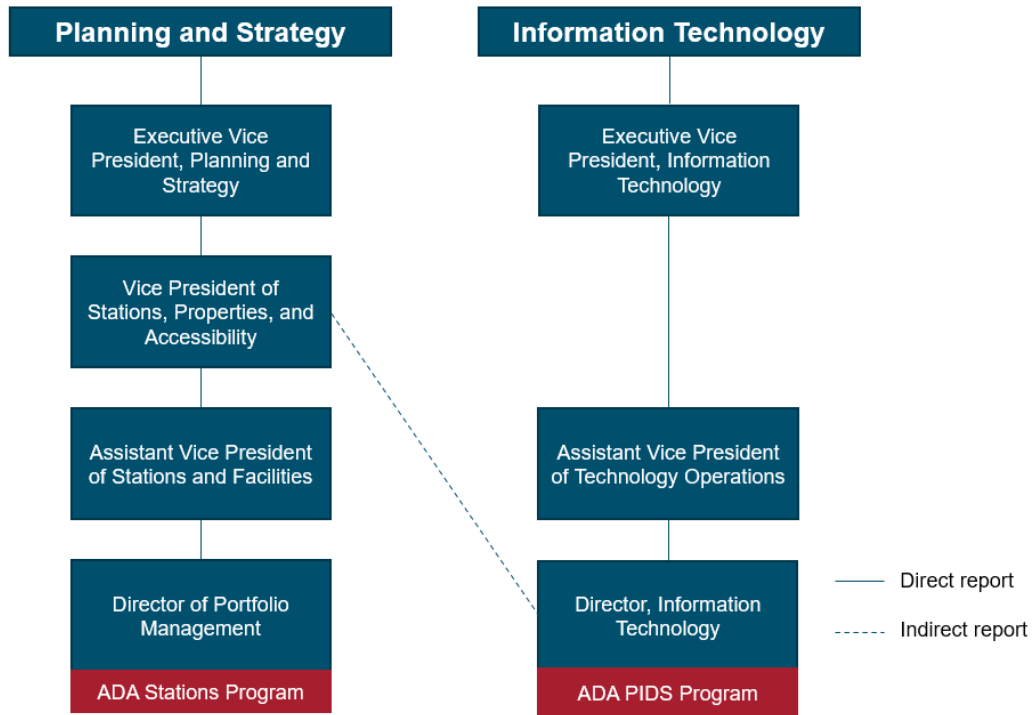
Source: OIG, February and March 2021

The Vice President of Accessibility is accountable for the company's overall compliance with the ADA and is responsible for two programs in support of that goal:

- **ADA Stations Program.** The ADA Stations team in the Planning and Strategy department manages this program, which focuses on projects to bring station components into compliance.
- **ADA PIDS Program.** The Information Technology (IT) department is responsible for the design and installation of PIDS and manages this program in coordination with the ADA Stations team, as Figure 3 shows.

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Figure 3. Reporting Structure of the Company's ADA Efforts



Source: OIG analysis of Planning and Strategy and IT department documents and interviews

Other groups and departments also have responsibilities, including the following:

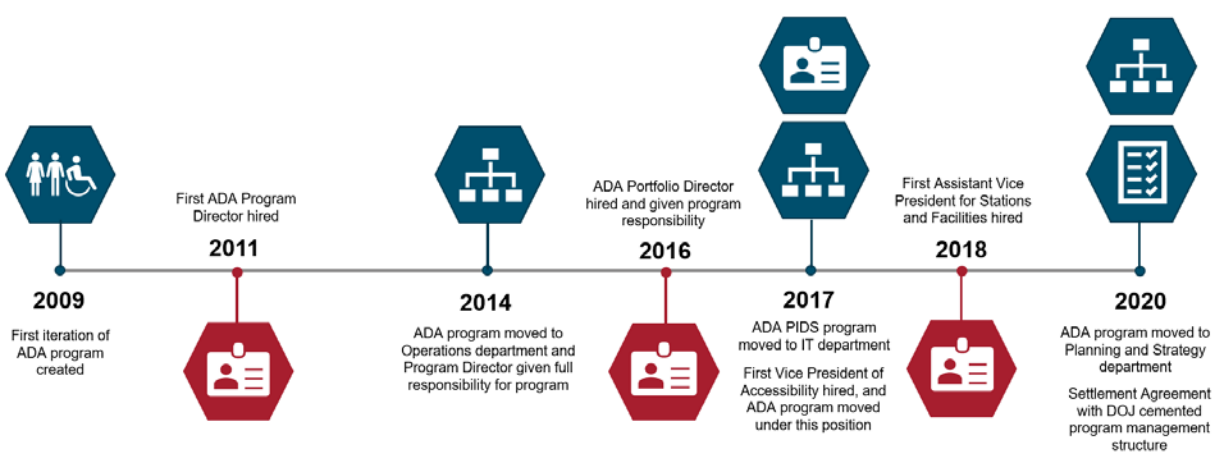
- The ADA Executive Oversight Committee (ADA EOC), which includes members of the company's executive leadership team, approves plans and budgets and consults with the ADA Stations team on matters causing the team difficulty. This committee meets on a monthly basis.
- The Host Railroads group helps manage relationships between the company and host railroads, which own the rights-of-way and may own the stations at which the company is completing ADA work.
- The Procurement department helps manage contracts for projects at stations.
- The Law department provides legal support to the program, coordinates with DOJ on matters related to the settlement agreement, and negotiates on behalf of the company when third parties disagree on ADA undertakings.

Since the program's inception in 2009, the company has reorganized the management structure of its ADA efforts several times, partly in response to our prior

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recommendations. For example, we recommended in 2011 and 2014 that the company realign program responsibility to the official with the greatest authority for compliance, and, in September 2014, the company moved the program to the Operations department, which had primary authority at that time. For a timeline of key programmatic changes, see Figure 4. For a full history of our prior related recommendations, see Appendix C.

Figure 4. Changes in ADA Program Management Structure



Source: OIG analysis of company documents and interviews with officials from the Law, Planning and Strategy, and IT departments

COMPANY IS BETTER ORGANIZED TO MANAGE ADA PROGRAM

Since we last reported on the company's efforts, it has created clearer lines of authority, responsibility, and accountability for the ADA program. For example, in 2017, the company created a position of Vice President of Accessibility to oversee all aspects of its compliance efforts. In addition, the company hired two employees in the Planning and Strategy department—the ADA Portfolio Director and the Assistant Vice President of Stations—who manage accessibility projects and ultimately report to the Vice President.

Since making these changes, the company has taken a number of actions to advance compliance, including the following:

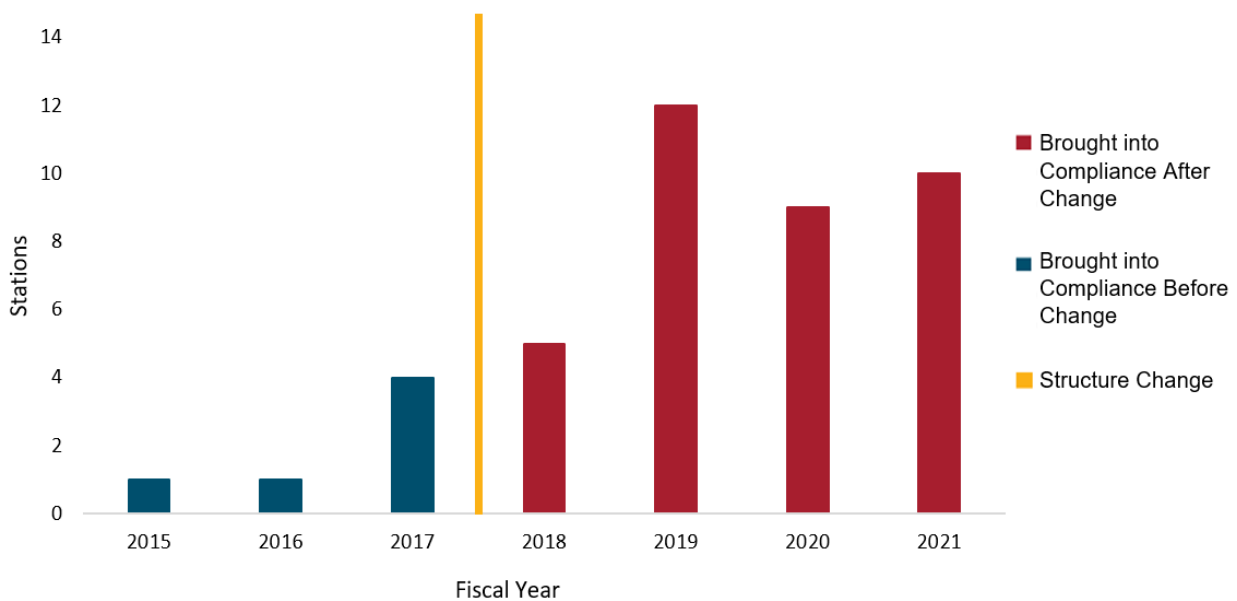
- developed comprehensive, annual strategic plans that established target dates to achieve full compliance

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- established a clear process to determine when a station is compliant after conducting work at it
- bundled design and construction contracts to reduce the administrative cost of the procurement process and facilitate time savings
- increased outreach to the third parties that it must cooperate with to achieve compliance, fostering more productive relationships with them, according to senior company officials

These improvements helped bring another 36 stations into compliance from FY 2018 through April of FY 2021, as Figure 5 shows.

Figure 5. Number of Stations Brought into Compliance per Fiscal Year



Source: OIG analysis of Planning and Strategy department data
Note: FY 2021 includes data through April 2021

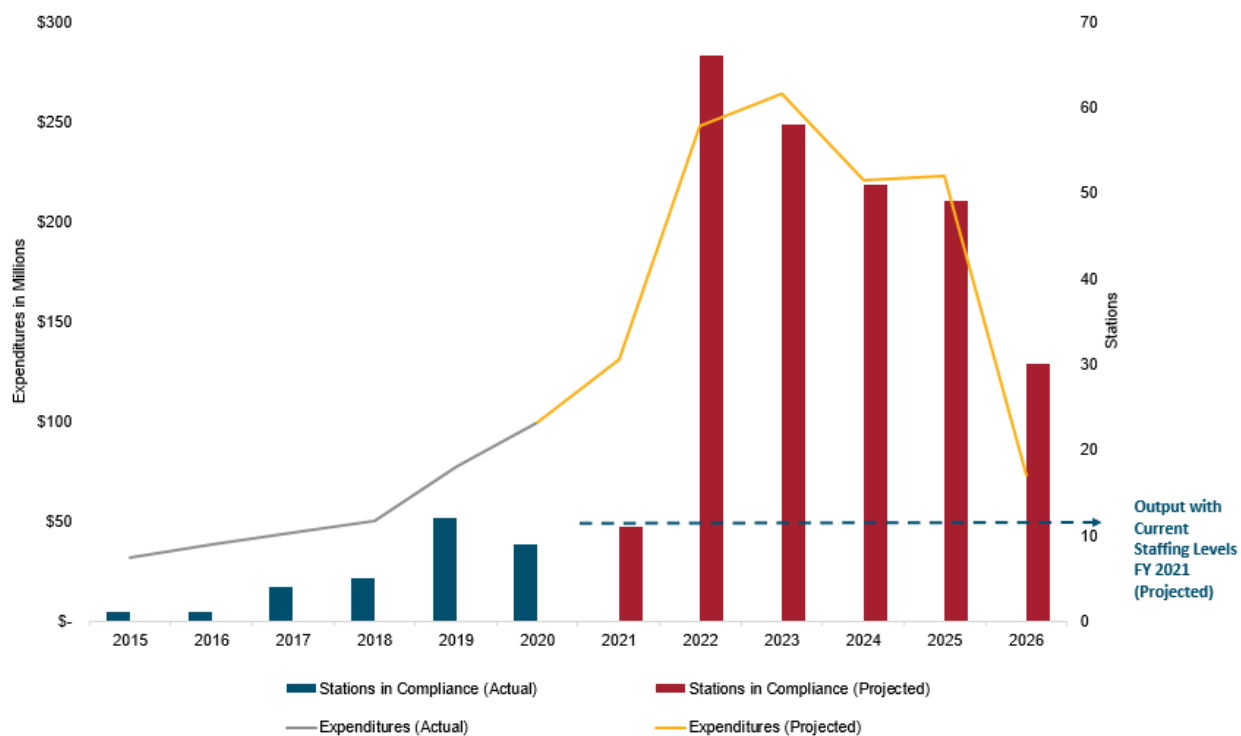
Company and FRA officials told us the Vice President of Accessibility and ADA Portfolio Director were the impetus for the expedited progress. To build on this progress, we identified three planning and coordination challenges that, if addressed, could help advance compliance.

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NO ASSURANCE OF SUFFICIENT CAPACITY TO OVERSEE INCREASE IN PROJECTS AND EXPENDITURES

The company may not have sufficient management and oversight capacity to bring the remaining 312 stations into compliance by its target date of FY 2027—more than four times the number it has completed over the last 12 years. Company planning documents do not identify how it will use the current 46 contractors and 8 full-time employees who make up the ADA Stations team to achieve this dramatic increase in work and related expenditures. In the next six years, for example, the company plans to spend \$1.2 billion to achieve compliance—more than triple the amount it spent in the previous six years, as Figure 6 shows. Based on FY 2021 performance and current staffing levels, the company is positioned to complete about 12 stations a year.

Figure 6. Actual and Projected Stations Brought into Compliance by Fiscal Year



Source: OIG analysis of Planning and Strategy department ADA strategic plan data as of July 2020

This increase in program activity without a commensurate increase in staffing and contractors will challenge the program team, which is already stretched. Managers from the Planning and Strategy department and the Procurement department told us they do

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not have enough staff to implement the additional planned projects and already face difficulties managing current projects. Other departments, such as the IT department, and the Host Railroads group provide support to the program and will also see additional demand for resources as work increases.

Outstanding, complex station renovations will likely take longer than FY 2027 to complete at current staffing levels unless the company makes significant changes to the program. The ADA team told us it will receive support from the company's Facilities team to complete work that does not involve station platforms. Most of the remaining stations, however, require the more complex platform work. For example, 292 of the 312 noncompliant stations needed platform work as of April 2021. This typically takes longer than other station renovations, such as the bathrooms or parking facilities, which have been the primary focus of work to date, according to company and FRA officials. Even with this focus, the company was able to complete work within 6 years at only 28 of the 74 compliant stations (38 percent).

The company does not know if it has the capacity to undertake this more time-consuming work and bring significantly more stations into compliance in the same six-year time frame. This is because the program has not developed, documented, and implemented a resource plan that:

- assesses current and future staffing needs to achieve program goals
- identifies the resources it will require from other company departments, such as the Procurement department, and the Host Railroads group to support the expected increase in projects and contracted work
- takes into account how third-party capacity limitations will affect its internal target date

Company officials told us the ADA program had not completed a resource plan because the company established the program before it implemented planning standards that required an assessment. They also told us they discuss staffing and resource needs during weekly meetings. Nonetheless, the company does not have a resource plan that correlates its staffing needs to the projects and contractor oversight it will need over the next six years to achieve its timeline.

In particular, the company does not have enough staff to oversee the contract employees it hired to augment ADA efforts. For example, senior program officials told us that, as of April 2021, a single employee was responsible for reviewing invoice

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documentation submitted by at least 46 contract employees for its \$176 million program management services contract providing oversight of work to be performed at the remaining 312 stations. This same employee is responsible for reconciling past invoices and timesheets for this contract to ensure they accurately reflected work the contractors performed; however, he cannot adequately do so given his other duties.

Accordingly, the company could not provide supporting documentation demonstrating that the program team conducted such reconciliations. In other words, the company could not demonstrate that the billing contractor completed the invoiced work. This is similar to what we have previously reported on the company's contract oversight in general, where we found that it did not consistently ensure invoices were accurate.⁹ Therefore, we consider the \$81 million¹⁰ the company spent on these contractors' work from FY 2015 through FY 2020 to be "questioned costs", as defined by the Inspector General Act of 1978 (IG Act), as amended.¹¹ In this case, this means that a cost is questioned because "at the time of the audit, such cost is not supported by adequate documentation."¹² We could not determine whether the invoices were correct. The company has the opportunity to review these questioned costs to determine if they were accurate.

Additionally, a senior official told us that the Procurement department used contract

⁹*Acquisition and Procurement: Weaknesses in Contract Oversight Pose Financial, Operational, and Legal Risks* (OIG-A-2019-004), March 4, 2019.

¹⁰ The company initially awarded this contract in 2009, which included project management, design, and construction services, as well as services related to the American Recovery and Reinvestment Act of 2009. The current contract amendment covers project management services across all stations in the program and has a not-to-exceed total of about \$176 million. Contract costs cover the labor rates for staff augmentees; the contract is strictly for labor because there are no required deliverables. The \$81 million in questioned costs are the total expenditures for the contract during the period of our review. We did not review the extent to which the company might be overpaying for these services because it was outside our scope.

¹¹ The IG Act as amended, 5 U.S.C. App. 3 § 5(f). While both "questioned costs" and "unsupported costs" mean that costs are questioned due to the cost being unsupported by adequate documentation, we do not consider the \$81 million as "unsupported costs" because the company provided the invoices we requested in support of billed amounts. Rather, we consider the \$81 million as "questioned costs" because, although the company provided the invoices, they did not provide additional requested documentation demonstrating that the work indicated on the invoice accurately reflected the work performed and billed, such as receipts, reports, photographs, and other documents to support the labor costs billed to the company.

¹² IG Act, as amended, 5 U.S.C. App. 3 § 5(f)(1)(B).

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employees from the same firm to review the invoices submitted by other contract employees. This is inconsistent with management control standards regarding separation of duties.¹³

If the company does not have the staff to provide effective contract oversight, such issues could be exacerbated as ADA contract work increases. Senior officials agreed that the company needs clear delineation of duties and, during our review, was assessing its processes to address this problem. In addition, in June 2021, in response to our audit, a program official told us that the company converted one of its ADA contractors to a full-time employee to help manage the oversight process. This, together with reviewing and reconciling invoices more thoroughly to work conducted, can help improve the oversight necessary to achieve its FY 2027 timeline.

COMPANY CAN PROVIDE BETTER GUIDANCE TO HELP PROGRAM STAFF WHEN ISSUES ARISE WITH THIRD PARTIES

Achieving cooperation with third parties at the remaining 312 noncompliant stations is a significant program delivery risk, according to the company.¹⁴ This risk will likely grow given the planned increase in projects. In many instances, the company must receive direct approval and consent from other parties before it can begin any ADA-related projects at certain stations. For example, if the company leases a station but does not own it, the station owner must agree to any accessibility improvements prior to beginning construction. As of December 2020, the company's discussions with third parties reached stalemates for at least 13 stations,¹⁵ increasing costs and delaying projects.

These impasses have the potential to stall the company's efforts for years. For example, at the station in Elko, Nevada,¹⁶ the company began design work in FY 2011 but, as of

¹³ Our review of contract files for the six stations we reviewed highlighted additional contract oversight weaknesses related to inaccurate billing and duplicate purchase orders. We identified \$112,000 in additional questioned costs and informed senior officials in the Planning and Strategy and Procurement departments for their follow-up.

¹⁴ Amtrak, *ADA Stations Program Strategic Plan FY 2021-FY 2026*, July 2020.

¹⁵ Reasons for stalemates can include disagreement over design and third-party requests for work not related to ADA.

¹⁶ From FY 2015 through FY 2020, the station in Elko, Nevada, served 613 passengers identifying as having a disability, which generated \$49,307 in revenue. In the same period, the station served 45,720 total passengers, generating \$3,258,154.

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April 2021, had not resolved an impasse with a station owner that wanted to include work at the station that was not related to ADA.

The company's relationships with third parties vary; therefore, program staff employ a variety of strategies to obtain their cooperation. If these strategies do not work and cooperation issues remain, the ADA Portfolio Director can elevate the stalemated issues to the ADA EOC for further review and action. The ADA Portfolio Director, in consultation with the Law department, can also seek intervention from DOJ. DOJ has the authority to enforce a federal mandate that requires a third party to cooperate with the company when it is addressing ADA deficiencies.¹⁷ DOJ officials stated that they are willing to intervene on the company's behalf, but only if the company can show that it took steps to obtain cooperation and was unsuccessful. In one instance, a senior company official told us it took several months to collect sufficient evidence before DOJ would intervene at a station in Orlando, Florida.¹⁸ Although DOJ intervention is seldom needed, according to a Law department official, once DOJ intervened in this case, resolution followed shortly thereafter.

Given the increase in stations that may experience such impasses with third parties, the company can be more prepared to use the tools it has available to resolve such issues to help it achieve its goal. The company, however, does not have guidance that memorializes internal steps the program team can take when they reach a stalemate, when and how to escalate it to the ADA EOC, and what documentation they need to facilitate intervention by DOJ, should intervention become necessary. Additional guidance would institutionalize relevant controls in writing in line with management controls standards to help the company manage the risk delays could pose to the company's compliance goal. Program officials also told us that guidance would help them to more consistently document their efforts and decide when and how to escalate an issue to the ADA EOC.

COMPANY DID NOT EFFECTIVELY COORDINATE PIDS PROGRAM

The IT department is responsible for installing PIDS and ensuring that they are operational; the ADA Stations team has the expertise to install PIDS so they meet compliance standards. Program officials told us that when they completed station

¹⁷ 49 CFR § 37.57.

¹⁸ From FY 2015 through FY 2020, the station in Orlando, Florida, served 19,381 passengers identifying as having a disability, which generated \$1,929,821 in revenue. In the same period, the station served 757,992 total passengers, generating \$69,890,862.

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assessments after all ADA work was complete, they found that some of the contractors the IT department managed had not installed the PIDS correctly. This occurred because the IT department and ADA Stations team did not coordinate to ensure that PIDS installations were compliant. For example, in January 2019, when the ADA Stations team reviewed work in Houston, Texas,¹⁹ they found that the PIDS installed in November 2018 did not use the ADA-required font size. More than two years later, as of April 2021, the Vice President of Accessibility has developed plans for the ADA Stations team to work with the IT department to review all current PIDS installations to ensure that they meet compliance standards. The program team also told us that the company would adjust the PIDS at Houston to bring them into compliance.

The IT department and the ADA Stations team also did not effectively coordinate to ensure that they were tracking the same number of stations at which the company is responsible for PIDS. For example, the IT department was counting multiple phases at a station as separate PIDS projects, which did not align with the numbers the ADA Stations team reported. This led to the company inconsistently reporting this number in its strategic plan (120), to DOJ in the settlement agreement (97), and to FRA in its regular program reporting (99). We identified that the correct number of stations was 119 after reviewing planning documents and confirming with senior company officials. Inconsistent reporting could result in delays if the company is not tracking the total number of PIDS it should have completed in the program. In addition, FRA and DOJ use these data to track the company's progress toward achieving compliance. In response to our findings, senior officials in both groups told us they planned to develop a new process to ensure more consistent reporting.

CONCLUSIONS

Over the past four years, the company has strengthened its management of the ADA program to bring more stations into compliance. Ultimately, achieving the company's aggressive timeline to reach compliance will depend on ensuring that it has the capacity to effectively oversee an increase in projects and spending, implementing guidance to facilitate the resolution of third-party issues to avoid delays, and establishing internal

¹⁹ From FY 2015 through FY 2020, the station in Houston, Texas, served 5,071 passengers identifying as having a disability, which generated \$422,195.81 in revenue. In the same period, the station served 123,215 total passengers, generating \$12,586,922.

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coordination with the IT department to address the problems we identified so accessibility can be fully achieved.

RECOMMENDATIONS

To better position the company to meet its legislative mandate, we recommend that the Executive Vice President/Planning and Strategy take the following actions:

1. Develop, document, and implement a resource plan that assesses the current and future resources the ADA program needs to implement its timeline, including resources from other groups, and identifies actions to address any shortfalls.
2. Ensure that the ADA Stations team takes the following actions:
 - a. Review contractor timesheets and invoices for the identified program management services contractor more thoroughly going forward.
 - b. To the extent that it is cost-effective and practical to do so, reconcile contractor timesheets and invoices from FY 2015 through FY 2020 to ensure they reflect the services provided, and, if applicable, recover any costs from the program management services contractor.
3. Develop and implement guidance for the ADA Stations team that lays out the internal steps the team can take when they reach a stalemate and what they should document.
4. Require that the Vice President of Accessibility take and document actions to ensure that the ADA Stations team and IT department are coordinating so installations are compliant and reporting is consistent and accurate.

MANAGEMENT COMMENTS AND OIG ANALYSIS

In commenting on a draft of this report, the company's Executive Vice President/Planning and Strategy agreed with our recommendations and identified specific actions the company plans to take, which we summarize below.

- **Recommendation 1:** Management agreed with our recommendation to develop, document, and implement a resource plan that assesses current and future needs of the ADA program. The company intends to document a plan for future resources to fulfill its commitment to compliance. The target completion date is October 30, 2021.

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- **Recommendation 2:** Management generally agreed with our recommendation to review contractor timesheets and invoices more thoroughly going forward and reconcile, to the extent practical, past contractor timesheets to ensure they reflect the services provided. The company plans to hire additional staff to support more thorough reviews as well as to develop and implement a process to reconcile timesheets and invoices from the subject period. The target completion date is December 31, 2021.
- **Recommendation 3:** Management generally agreed with our recommendation to develop and implement guidance for navigating third-party issues in a timely manner. The company plans to establish a document retention policy and lay out the steps program staff can take when faced with a stalemate. The target completion date is October 30, 2021.
- **Recommendation 4:** Management agreed with our recommendation to take and document actions so the ADA Stations team and IT department coordinate to ensure that PIDS installations are compliant and reporting is consistent and accurate. The company stated it has taken steps to ensure coordination, including the integration of the ADA Stations team into the review process of PIDS designs, which the IT department manages. The company also plans to develop a process flow diagram to demonstrate the integration and oversight of the PIDS program between the two groups. The target completion date is October 30, 2021.

For management's complete response, see Appendix D. Management also provided technical comments that we have incorporated in this report as appropriate.

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APPENDIX A

Objective, Scope, and Methodology

This report provides the results of our audit of Amtrak's ADA program. Our objective was to assess the effectiveness of the company's efforts to achieve compliance. Our scope focused on the company's current program management structure, its plans to achieve compliance, and its program spending from FY 2015 through FY 2020. We included stations in our assessment for which the company has sole or shared responsibility for compliance, as well as stations where the company installed PIDS. We included the company's progress to bring stations into compliance through April 2021. We performed our audit work from September 2020 through August 2021 in Aberdeen, Maryland; Cumberland, Maryland; Harrisburg, Pennsylvania; Lorton, Virginia; Philadelphia, Pennsylvania; and Washington, D.C.

To assess the effectiveness of the company's process for managing the program, we interviewed senior officials from the following departments—Planning and Strategy, IT, Law, Procurement, and Finance—to understand their roles and activities in the ADA program. We also interviewed FRA and DOJ officials to obtain their input on the company's prior and current program management structure. We reviewed company documents that included information on this structure, and we identified how many stations the company was able to bring into compliance prior to and after the program reorganization.

To assess the effectiveness of the company's planning efforts, we reviewed its planning documents, including monthly reports to FRA and the Executive Oversight Committee, the July 2020 strategic plan, and the settlement agreement between the company and DOJ.

We selected six stations where we observed completed and in-progress projects, as well as other accessibility challenges. To select the 6 stations, we applied a non-probability sampling approach to the 516 stations in the company's network that must be compliant, using the following factors to narrow our selection:

- company ADA responsibility
- compliance status
- total ridership for passengers with disabilities

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- total ridership
- total ADA expenditures
- COVID-19 travel restrictions

Based on these factors, we selected the following six stations to visit:

- Aberdeen, Maryland
- Cumberland, Maryland
- 30th Street Station, Philadelphia, Pennsylvania
- Harrisburg, Pennsylvania
- Lorton, Virginia
- Union Station, Washington, D.C.

Two of these six stations are large (Union Station and 30th Street Station), two are medium-sized (Harrisburg and Lorton), and two are small (Aberdeen and Cumberland). These stations are not a representative sample of the 516 stations that must be compliant; therefore, our observations from our site visits cannot be extrapolated to the universe of stations. To view photographs of our site visit observations, see Appendix B.

We conducted this performance audit in accordance with generally accepted government auditing standards. 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 provided a reasonable basis for our findings and conclusions based on our audit objective.

Internal Controls

We reviewed the internal controls the company had in place for managing and planning the ADA program. Specifically, we assessed the internal control components and underlying principles and determined that three of the five internal control areas were significant to our audit objective:

- **Risk assessment.** Management should assess and respond to the risks facing the company as it seeks to achieve its objectives.

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- **Information and communication.** Management should provide quality information to achieve the entity's objectives. Quality information is important to both internal and external stakeholders.
- **Monitoring.** Management should assess the quality of performance over time and address identified issues.

We developed audit work to ensure that we reviewed each of these control areas, including assessing the following:

- risk assessments and mitigation plans related to the program
- program management controls for determining whether roles and responsibilities are clear
- the quality and completeness of ADA stations data and PIDS reporting
- the company's program monitoring efforts

Because we focused our review on these internal control components and underlying principles, it may not have disclosed all of the internal control deficiencies that may have existed at the time of this audit.

Computer-Processed Data

We obtained actual expenditures from the company's SAP system for the ADA and PIDS programs and related ADA activities for FY 2015 through FY 2020. We validated the total expenditure amounts for FY 2015 through FY 2020 based on the unqualified opinion on the company's financial statements for this same period from its external auditors. We also compared the financial data we obtained for FY 2015 through FY 2020 to contract file documents for the six stations and to documents obtained through the company's program management software (Ariba on Demand and E-Trax). We determined that the analysis and underlying data were sufficient for our purposes.

Prior Audits

In conducting our analysis, we reviewed and used information from the following OIG reports:

- *Acquisition and Procurement: Adequate Competition for Most Contracts Awarded Under Americans with Disabilities Act Program but Procurement Policies Could be Improved* (OIG-A-2016-008), June 8, 2016

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- *Train Operations and Business Management: Addressing Management Weaknesses Is Key to Enhancing the Americans with Disabilities Program (OIG-A2014-010), August 4, 2014*
- *Americans With Disabilities Act: Leadership Needed to Help Ensure That Stations Served by Amtrak Are Compliant (109-2010), September 29, 2011*

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APPENDIX B

Site Visit Observations

The following photographs, which we took in February and March 2021, demonstrate various station amenities that must meet Department of Transportation Accessibility Standards, as well as some of the types of projects the company undertakes to achieve ADA compliance.²⁰ The company is ultimately deemed responsible for certain station components and based on that is found to have sole or shared responsibility for ensuring that some or all components become compliant, as Table 1 shows.

Table 1. Six Stations' Components and ADA Compliance Status as of March 2021

	Parking	Station	Platform
Union Station, Washington, D.C. (Sole)	Not compliant	Not compliant	Not compliant
30th Street Station, Philadelphia, Pennsylvania (Sole)	Not compliant	Not compliant	Not compliant
Lorton, Virginia (Sole)	Compliant	Compliant	Compliant
Harrisburg, Pennsylvania (Shared)	Not responsible	Not compliant	Not compliant
Cumberland, Maryland (Shared)	Not responsible	Compliant	Compliant
Aberdeen, Maryland (Sole)	Not compliant	Not compliant	Not compliant

Source: OIG analysis of Amtrak Planning and Strategy department data

The photographs are divided into three groups to align with the three components of a station where the company has ADA responsibility: parking, station structure, and platform. For categorization purposes, the company considers most amenities not directly within the station or not directly on the platform—sidewalks, for example—to be part of the parking component.

We communicated the accessibility challenges we identified to the company for their appropriate follow up.

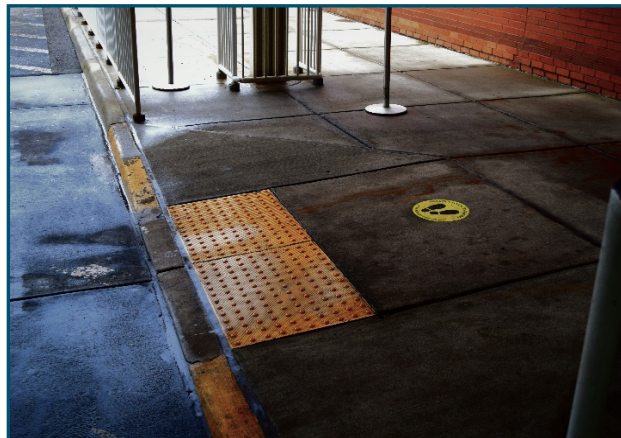
²⁰ The ADA required the company to make all existing intercity rail station facilities for which it is responsible readily accessible to and usable by individuals with disabilities by July 26, 2010. 42 U.S.C. § 12162(e)(2)(A)(ii)(I).

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Parking



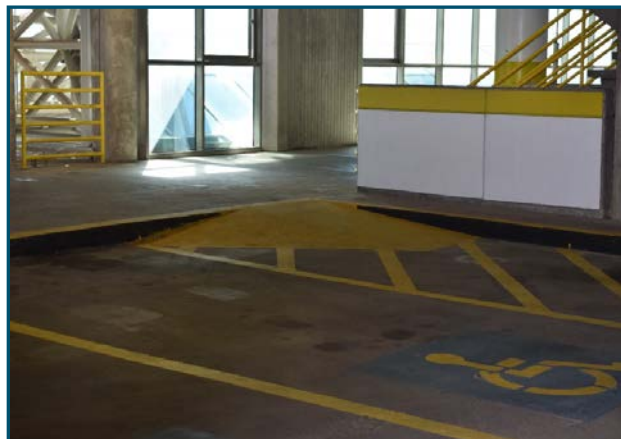
Accessible parking spaces in Lorton



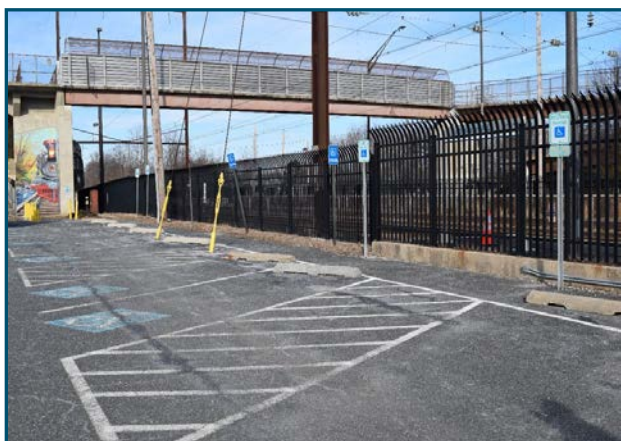
Sidewalk detectable warning system from parking lot to entrance to the station in Lorton



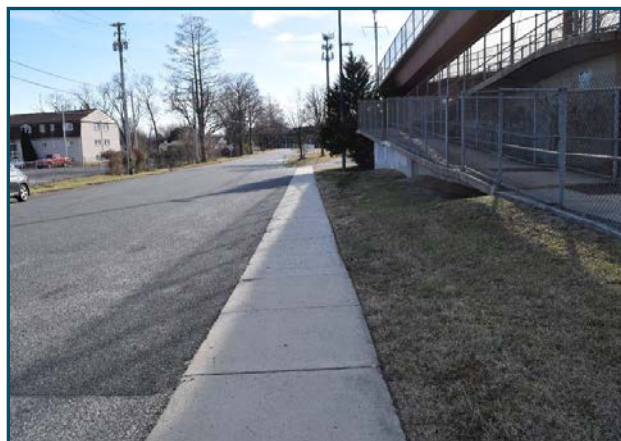
Cut out from sidewalk in parking garage at Union Station, Washington, D.C.



Accessible parking space in the parking garage at Union Station, Washington, D.C.

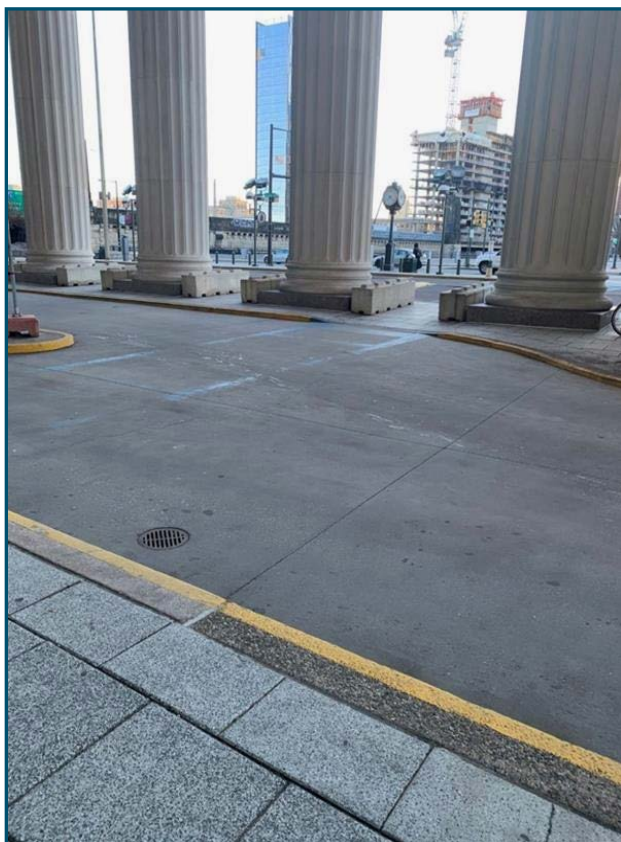


Accessible parking spaces on the southbound platform side at the station in Aberdeen



Sidewalk leading from parking lot to ramp over the platforms at the station in Aberdeen

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Eastern Portico crosswalk at 30th Street Station, Philadelphia



Accessible parking space in parking garage at 30th Street Station, Philadelphia

Station Structure



Ramp from main station entrance to passenger waiting area at the station in Harrisburg



Signage showing that an accessible women's bathroom is available at the station in Harrisburg

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PIDS monitor at the station in Harrisburg



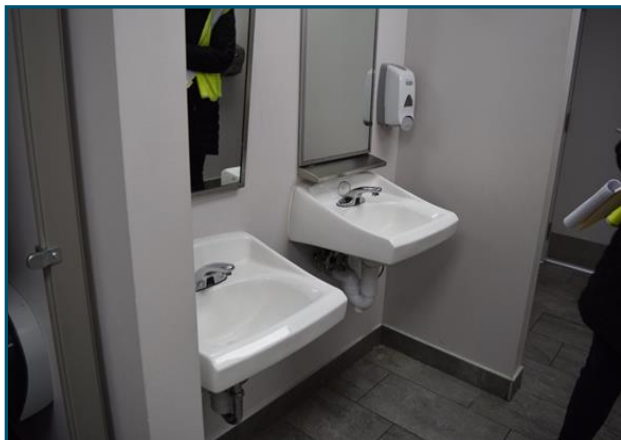
Accessible women's bathroom at the station in Cumberland



Accessible emergency egress ramp at the station in Cumberland



Accessible seating in waiting room at the station in Cumberland

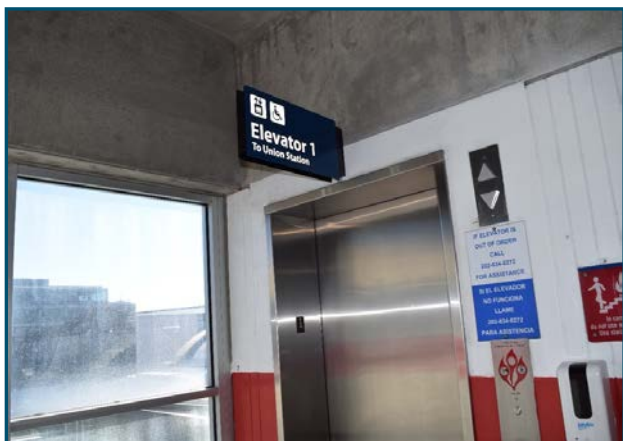


Two bathroom sinks, one accessible to passengers with disabilities, at the station in Aberdeen

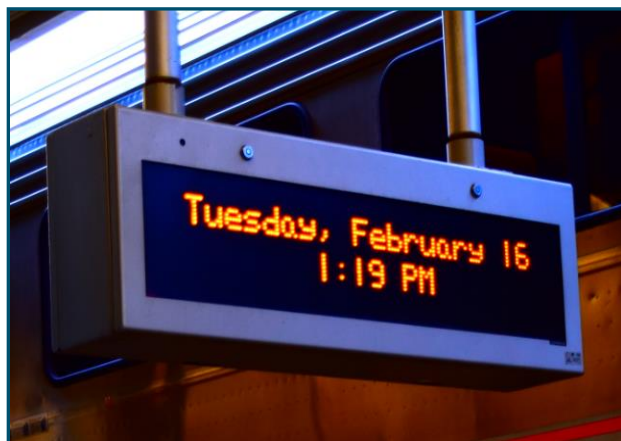


Ticket counter accessible to passengers with disabilities at Union Station, Washington, D.C.

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Accessible elevator from parking garage at Union Station, Washington, D.C.



PIDS on platform at the station in Lorton



Automatic doors to customer service office at 30th Street Station, Philadelphia



Accessible water fountain at 30th Street Station, Philadelphia



PIDS monitor at 30th Street Station, Philadelphia

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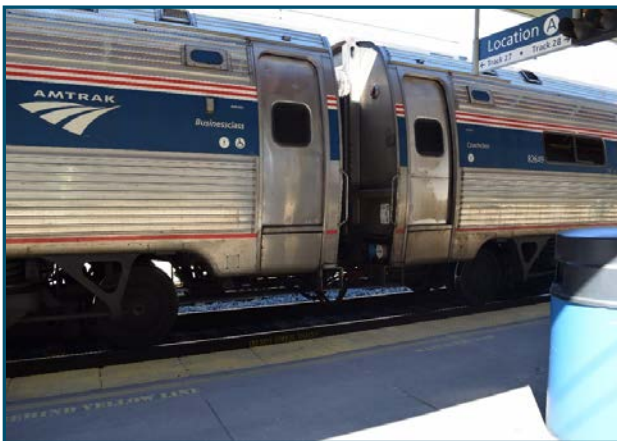
Platform



Platform with detectable warning system at the station in Cumberland



Bridge plate to span the gap between the platform and train for mobility devices at 30th Street Station, Philadelphia



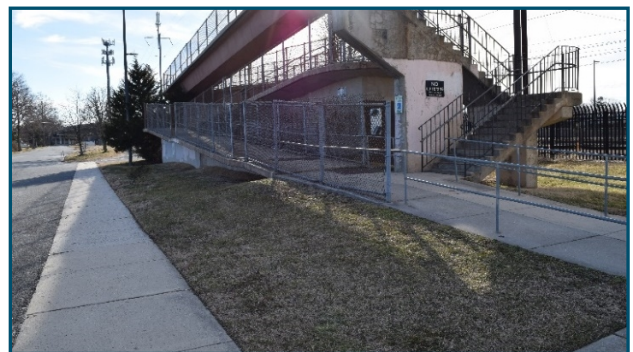
Train car stopped on platform indicating it is accessible at Union Station, Washington, D.C.



Northbound platform with PIDS at the station in Aberdeen

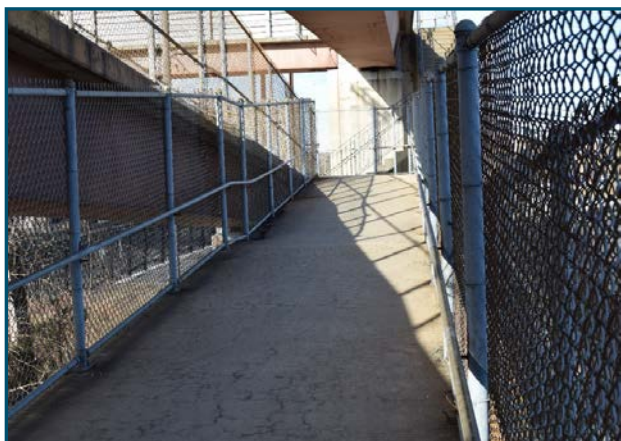


Mobile lift at northbound platform at the station in Aberdeen

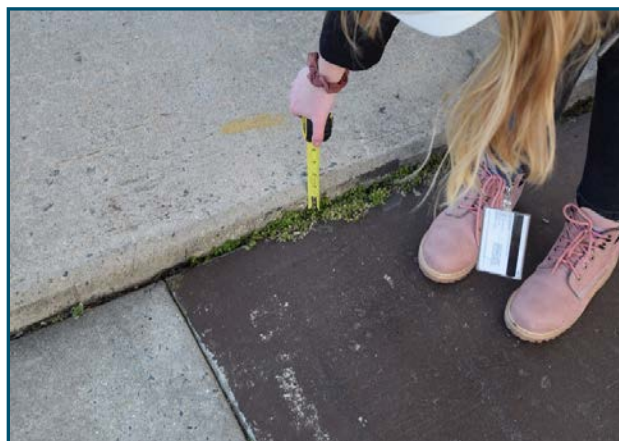


Entrance to ramp over the tracks at the station in Aberdeen

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Ramp over the tracks between north- and southbound platforms at the station in Aberdeen



OIG personnel measuring the height difference (approximately two inches) between two sections of the ramp between platforms at the station in Aberdeen. This could pose accessibility barriers for passengers who use mobility devices.

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APPENDIX C

Prior OIG Recommendations

Prior Recommendation	OIG Closure Status
1. Assign ADA programmatic responsibility to the official with the greatest responsibility for ADA program components, most likely the Vice President, Operations. (Report 109-2010)	Not implemented with management assuming the risk on June 10, 2013
2. Provide the ADA program director position with the authority to manage all ADA program components and related funding resources. (Report 109-2010)	Not implemented with management assuming the risk on June 10, 2013
3. Direct the Program Director to: (Report 109-2010) <ul style="list-style-type: none"> a. develop a detailed spending plan to support the FY 2012 budget request b. develop and provide the Congress an order of magnitude cost estimate for completing all ADA programs by the goal date and periodically update the estimate as more precise data becomes available c. continue to work with other parties to develop a strategy for achieving ADA compliance for stations Amtrak serves but does not have ADA-compliance responsibility 	Not implemented with management assuming the risk on April 15, 2020
4. Consider realigning ADA program responsibility to the executive with the greatest responsibility for ADA program components, most likely the Vice President, Operations. (Report OIG-A-2014-010)	Implemented on October 15, 2014
5. Develop a written strategic plan for achieving ADA compliance that: provides a clear vision and policy for the ADA program; assigns program and project accountability; establishes criteria for selecting projects to fund; identifies project and program cost estimates; creates annual performance metrics; sets a target date for all stations to become ADA-compliant. (Report OIG-A-2014-010)	Implemented on October 5, 2015
6. Consider establishing an ADA Advisory Panel that includes members from the disabled community to advise the ADA management team on ADA-related issues. (Report OIG-A-2014-010)	Implemented on February 2, 2016

Source: OIG analysis of prior recommendations and closure statuses

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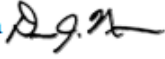
APPENDIX D

Management Comments

NATIONAL RAILROAD PASSENGER CORPORATION

Memo



Date	August 27, 2021	From	Dennis Newman 
To	Jim Morrison, Assistant Inspector General, Audits	Department	Planning & Asset Development
		cc	William J. Flynn, CEO Eleanor Acheson, EVP General Counsel Stephen Gardner, President Carol Hanna, VP Controller Roger Harris, EVP Marketing & Revenue Scot Naparstek, EVP COO Steven Predmore, EVP CSO Mark Richards, Sr. Director Amtrak Risk & Controls Qiana Spain, EVP CHRO Tracie Winbigler, EVP CFO Christian Zacariassen, EVP CIO Laura Mason, EVP Major Program Delivery David Handera, VP Stations, Facilities, Properties & Accessibility Tom Bloom, Deputy General Counsel George Holz, AVP Stations & Facilities Bob Hutchison, AVP Technology Operations Shirley Craun, Deputy of Strategic Procurement Stewart Waller, Sr. Director IT – Stations, Facilities, Properties and Accessibility Systems Lonnie Murray, Sr. Director Portfolio Management Joseph Giandonato, Director of Procurement
Subject	Management Response to GOVERNANCE: Better Planning and Coordination Could Help the Company Achieve its Aggressive Timeline for ADA Compliance <i>(Draft Audit Report for Project No. 017-2020)</i>		

This memorandum provides Amtrak's response to the subject draft audit report. The Planning & Asset Development department appreciates the opportunity to respond to the OIG's recommendations. Noted below are Amtrak's responses to each of the recommendations.

Recommendation 1:

Develop, document, and implement a resource plan that assesses the current and future resources the ADA program needs to implement its timeline, including resources from other groups, and identifies actions to address any shortfalls.

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Management Response/Action Plan:

Management agrees with the OIG recommendation and continually assesses the resource needs of the Program. The Senior Director of Portfolio Management, AVP of Stations and Facilities and the VP of Stations, Facilities, Properties & Accessibility (SFP&A) confer weekly to evaluate resources, identify needs, and fill them as necessary. The team has expanded staff to support the program, adding Amtrak project managers and is actively hiring additional support staff. To supplement its existing continual assessment of near-term resource needs, Management will document a plan for future resources to fulfill its commitment to compliance at the stations for which the Company has ADA responsibility, recognizing that the plan is subject to change based on internal and external factors.

Responsible Amtrak Official(s):

David Handera, VP of SFP&A;
 George Holz, AVP Stations & Facilities;
 Bob Hutchison, AVP Technology Operations

Target Completion Date: October 30, 2021

Recommendation 2:

Ensure that the ADA Stations team takes the following actions:

- a. Review contractor timesheets and invoices for the identified program management services contractor more thoroughly going forward.
- b. To the extent that it is cost-effective and practical to do so, reconcile contractor timesheets and invoices from FY 2015 through FY 2020 to ensure they reflect the services provided, and, if applicable, recover any costs from the program management services contractor.

Management Response/Action Plan:

Management agrees with the recommendations where applicable. Management already conducts a thorough review of all contractor invoices by multiple individuals from different departments. In addition, the team is actively hiring additional staff to support the review of contractor invoices in keeping with the coming increase in ADASP activity and to ensure detailed review of all supporting documentation.

Management will develop and implement a process to assess timesheets and invoices from the subject period. The methodology for this process will involve selecting a sample of timesheets and invoices to review from a fiscal year, starting with FY 2020. The results of the review will be assessed to determine the appropriateness of the invoiced amounts, whether there are any costs that should be recovered from the program management services contractor and the need to continue or expand the sample to review additional activity.

Responsible Amtrak Official(s):

Michael Phillips, Sr. Project Controls Manager;
 Lonnie Murray, Sr. Director of Portfolio Management;
 Joseph Giandonato, Director of Procurement,

Target Completion Date: December 31, 2021

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Recommendation 3:

Develop and implement guidance for the ADA Stations team that lays out the internal steps the team can take when they reach a stalemate and what they should document.

Management Response/Action Plan:

Management agrees with the recommendation where applicable. The Program Director and the ADA Stations Program (ADASP) team have the guidance and ability to escalate third-party issues to senior and executive management via the ADA Working Group and Executive Oversight Committee as well as escalating to DOJ where appropriate. Project status and escalation needs are discussed at various Department meetings on a regular basis including at Department Head, Construction, Host Railroad and Third-Party Design meetings. These functions are part of the Director's role and responsibility. While Management believes the current guidance is adequate, we will nevertheless establish the steps the team shall take when faced with a stalemate and the document retention policy to support any escalation.

Responsible Amtrak Official(s):

Lonnie Murray, Sr. Director of Portfolio Management;
 George Holz, AVP of Stations & Facilities;
 David Handera, VP of SFP&A

Target Completion Date: October 30, 2021

Recommendation 4:

Require that the Vice President of Accessibility take and document actions to ensure that the ADA Stations team and IT department are coordinating so installations are compliant and reporting is accurate.

Management Response/Action Plan:

Management agrees with the OIG recommendation. The Vice President of SFP&A has taken steps to ensure that the ADASP and IT Department are coordinated in efforts to ensure installations are compliant. The ADASP is now integrated into the review process of designs for Passenger Information Display Systems (PIDS) managed by the IT Department. The ADASP will provide construction management support to each of the PIDS deployment projects and will be accountable for conducting post-deployment ADA certification assessments. A process flow diagram will be developed to show the integration and oversight of the PIDS program between the two groups.

Responsible Amtrak Official(s):

Stewart Waller, Sr. Director IT;
 Lonnie Murray, Sr. Director of Portfolio Management;
 David Handera, VP of SFP&A;
 Bob Hutchison, AVP, Technology Operations

Target Completion Date: October 30, 2021

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APPENDIX E

Acronyms and Abbreviations

ADA	Americans with Disabilities Act
ADA EOC	ADA Executive Oversight Committee
ADA Stations team	Americans with Disabilities Act Stations team
DOJ	Department of Justice
FRA	Federal Railroad Administration
FY	Fiscal Year
IG Act	Inspector General Act of 1978
IT	Information Technology
OIG	Office of Inspector General
PIDS	Passenger Information Display Systems
Vice President of Accessibility	Vice President of Stations, Properties, and Accessibility

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APPENDIX F

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Sarah Brandes, Auditor

Gabriel Picinini, Auditor

Alison O'Neill, Communications Analyst

Nadine Bennett, Associate General Counsel

Barry Seltser, Contractor

OIG MISSION AND CONTACT INFORMATION

Mission

The Amtrak OIG's mission is to provide independent, objective oversight of Amtrak's programs and operations through audits and investigations focused on recommending improvements to Amtrak's economy, efficiency, and effectiveness; preventing and detecting fraud, waste, and abuse; and providing Congress, Amtrak management, and Amtrak's Board of Directors with timely information about problems and deficiencies relating to Amtrak's programs and operations.

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800-468-5469

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