



# AMTRAK

Office of  
Inspector General  
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## TRAIN OPERATIONS AND BUSINESS

**MANAGEMENT:** Addressing Management Weaknesses Is  
Key to Enhancing the Americans with Disabilities Program

Audit Report OIG-A-2014-010 | August 4, 2014



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# REPORT HIGHLIGHTS

## Why We Did This Review

The Americans with Disabilities Act (ADA) became law in 1990, requiring that intercity rail stations be made accessible to persons with disabilities by July 26, 2010. In September 2011, we reported that only 48 of the 482 stations Amtrak serves (10 percent) were ADA-compliant. During FY 2012 and FY 2013, Amtrak spent about \$100 million of ADA program funds.

We decided to follow up on our prior work because of Amtrak's noncompliance with the ADA legislation, the negative impact on passengers with disabilities, and the financial risk associated with ADA-related litigation.

During FY 2012 and FY 2013, the company's goal was to make stations that Amtrak has sole responsibility for ADA-compliant. For FY 2014, the goal changed to focus on stations with significant accessibility deficiencies. Our reporting objective is to assess the progress in achieving the ADA program goals and addressing the management control issues raised in our previous report.

You can find the full report at [www.amtrakoig.gov/reading-room](http://www.amtrakoig.gov/reading-room)

## *TRAIN OPERATIONS AND BUSINESS MANAGEMENT: Addressing Management Weaknesses Is Key to Enhancing the Americans with Disabilities Program*

*(Audit Report OIG-A-2014-010, August 4, 2014)*

## What We Found

Over the last two years, the ADA program made limited progress achieving its goals, largely because of the lack of an effective program management structure and the absence of a written strategic plan establishing a vision, goals, and objectives, including estimates of costs and a timeframe for program completion. These weaknesses were similar to the ones we identified previously, which resulted from the lack of program accountability and decision-making authority. For the program in FY 2012 and FY 2013, we noted the following:

- Program accomplishments included completing numerous property surveys and facility assessments, and making three more stations compliant.
- More than \$46 million of program funds (more than 46 percent) was spent on program management activities; however, best practices suggest that 30 percent is typically spent on such activities.
- Approximately \$6.5 million was spent on designs for projects that are not included in current construction plans.
- An undetermined amount of ADA funds was spent on state-of-good-repair work, not ADA-compliance work.

More recently, changes to the program's goals in FY 2014 have not been set forth in a written strategic plan that can be used to monitor progress and ensure accountability.

If the weaknesses persist, the program is likely to continue to see only limited progress in achieving its goals.

## Recommendations


We recommended and the President and Chief Executive Officer agreed to take actions to help improve the effectiveness of the ADA program's management. Actions agreed to include, making program structure changes and developing a strategic plan to guide program implementation.

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# Memorandum

**To:** Joseph Boardman  
President and Chief Executive Officer

**From:** Tom Howard  
Inspector General 

**Date:** August 4, 2014

**Subject:** *Train Operations and Business Management: Addressing Management Weaknesses Is Key to Enhancing the Americans with Disabilities Program*  
(Audit Report OIG-A-2014-010)

In 1990, the Americans with Disabilities Act (ADA) became law; it required that intercity rail stations be made accessible to persons with disabilities by July 26, 2010. In September 2011, we reported that Amtrak had not met that requirement.<sup>1</sup> Specifically, the company reported that only 48 of the 482 stations it serves (10 percent) were ADA-compliant. In Fiscal Year (FY) 2012 and FY 2013, Amtrak spent about \$50 million per year for ADA projects.<sup>2</sup> We decided to follow up on Amtrak's progress achieving its ADA program goals because of the company's noncompliance with the ADA legislation, the negative impact on passengers with disabilities, and the financial risk associated with ADA litigation.

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<sup>1</sup> *Americans with Disabilities Act: Leadership Needed to Help Ensure That Stations Served by Amtrak Are Compliant*, 109-2010, September 29, 2011.

<sup>2</sup> In FY 2012 and FY 2013, congressional committees directed Amtrak to spend at least \$50 million at stations it serves to bring them into compliance with ADA.



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An executive oversight committee (which we refer to as the ADA management team) provides senior management oversight of the ADA program.<sup>3</sup> With members from six departments, the ADA management team is chaired by the Vice President, Government Affairs and Corporate Communications. A working group coordinates the activities of the various departments involved in the ADA program; the group reports to the ADA management team. The ADA program director chairs the working group and reports to the Vice President, Government Affairs and Corporate Communications.

Our reporting objective is to assess the progress toward achieving the ADA program goals and to address the management control issues raised in our previous report. During FY 2012 and FY 2013, the primary program goal was to make locations ADA-compliant for which Amtrak has sole responsibility for the station, platform, and parking structure. For FY 2014, the ADA management team approved a new program goal that focuses on addressing stations with significant accessibility deficiencies.<sup>4</sup> For a discussion of our audit scope and methodology, see Appendix A.

## **PROGRAM CONTINUES TO LACK CLEAR LINES OF ACCOUNTABILITY AND AUTHORITY, AND A STRATEGIC PLAN**

In September 2011, we reported that the limited progress in making stations ADA-compliant was largely attributable to the ADA program's fragmented management structure, which lacked clear lines of authority, responsibility, and accountability. Since that time, there have been some improvements in program management, but the program continues to lack clear lines of accountability and authority within the program management structure. It also lacks a documented strategic vision and long-term plan for addressing ADA compliance. Progress was also slowed by determining how to implement the Department of Transportation's September 2011 level boarding

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<sup>3</sup> The members of the committee are the Vice President, Government Affairs and Corporate Communications; Vice President, Operations; Vice President, Northeast Corridor Infrastructure and Investment Development; General Counsel and Corporate Secretary; Chief Financial Officer; and Chief Marketing Officer.

<sup>4</sup> These deficiencies include barriers that prevent passengers with disabilities from boarding a train, accessing a station, and using the station restrooms.

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rule.<sup>5</sup> These program management weaknesses and a recent management change in the program's focus have contributed to the inefficiencies and limited progress discussed in this report.

### **Lack of Accountability and Authority Contributes to Program Management Inefficiencies**

In our September 2011 report, we made several recommendations to address the fragmented program management and lack of accountability. For example, we recommended that ADA program management be assigned to the official with the most ADA program components. The President and Chief Executive Officer disagreed with this recommendation, but noted that this decision would be reevaluated after completing a review of how the company would be aligned to support the new strategic plan. That reevaluation has not occurred.

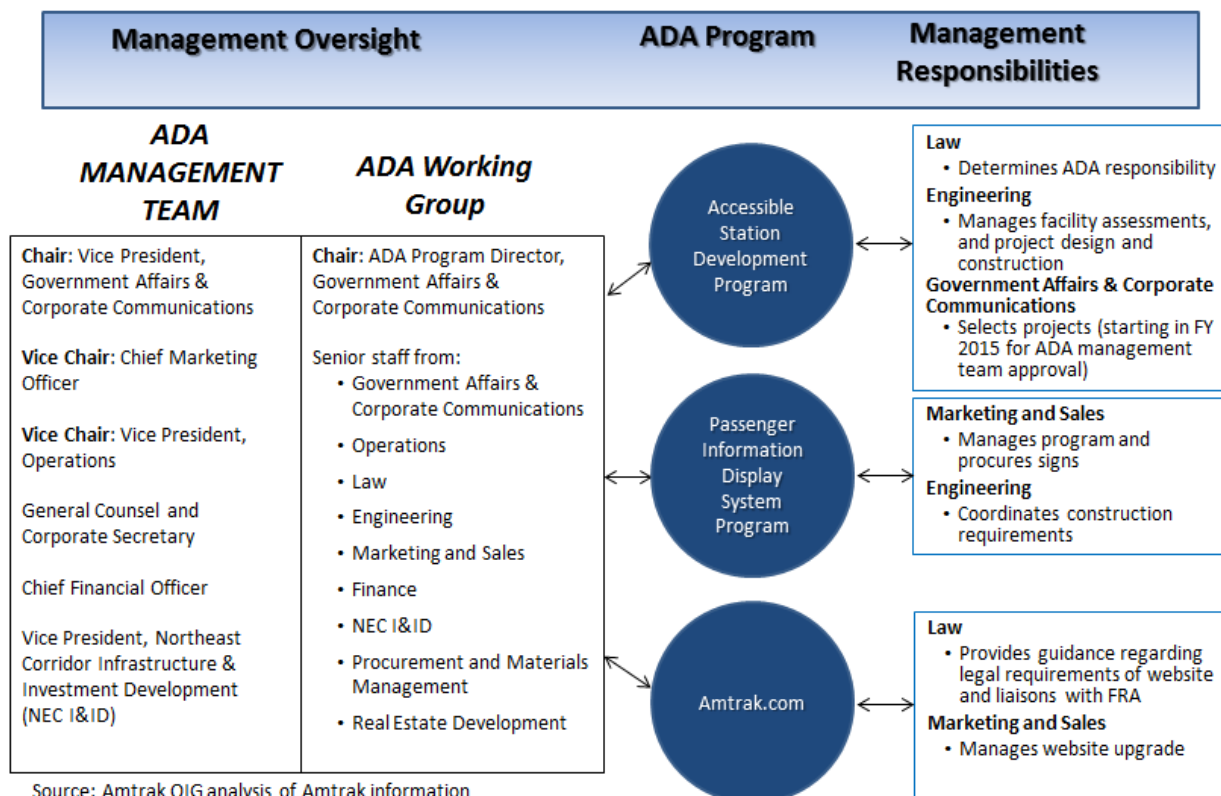
The ADA management team continues to lack clear accountability because the chair of the team has not been assigned clear decision-making authority. Instead, the company continues to use a matrix program management organization for the ADA program, as shown in Figure 1.

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<sup>5</sup> In September 2011, the U.S. Department of Transportation amended its regulations to require passenger rail providers, such as Amtrak, (1) to ensure that, at new and altered station platforms, passengers with disabilities can board and de-board from any accessible car of the train, and (2) to provide level-entry boarding where those platforms are adjacent to tracks used only by passenger rail. See Federal Register, Vol. 76 No. 181, September 19, 2011.

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**Figure 1. ADA Program Management Oversight and Responsibilities<sup>6</sup>**



In October 2013, the ADA management team adopted a charter that designated the Vice President, Government Affairs and Corporate Communications, as the chair. However, the charter does not specifically designate accountability, assign oversight responsibility, or provide the chair authority to act on behalf of Amtrak. According to best practices in project management, a charter should clearly define the responsibilities and authority levels of assigned leadership. Amtrak recently recognized the need for designating such an official to be accountable for the executive oversight committee of the Hudson Yards Concrete Casing project.<sup>7</sup> The charter for this committee gives the chair the authority to act on behalf of Amtrak in negotiations and to approve and authorize documents.

<sup>6</sup> The ADA program also includes a contract to design a level boarding solution.

<sup>7</sup> This committee has responsibility for overseeing a project to construct a concrete casing that will accommodate two new rail tunnels into Penn Station in New York City.



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***Working Group Has Been Ineffective.*** The ADA working group of staff from nine departments coordinates the activities of the various departments involved in implementing the ADA program. The group, however, does not have a charter that defines its membership, responsibilities, or meeting protocols. The working group started maintaining meeting minutes in January 2013.

Two members of the ADA management team stated that the working group is not functioning very well, which has resulted in the need to elevate all issues to the management team for a decision. For example, the General Counsel noted that the working group could not reach an agreement on whether ADA funds should be used to paint white stripes for four general parking spaces, in addition to painting blue stripes for two accessible ADA-reserved parking spaces. As a result, the issue was elevated to the ADA management team. Furthermore, without records of the working group votes, the ADA management team does not know whether members generally agreed or were split on an issue, according to the Vice President, Northeast Corridor Investment and Infrastructure Development. He noted that this information would be very helpful in the deliberations of the ADA management team. Best practices in project management among private and public organizations suggest that establishing a charter that formally authorizes and guides project management can help avoid gaps in project accountability and oversight.

***ADA Program Director Lacks Authority.*** In September 2011, Amtrak hired an ADA program director to be responsible for collaborating among Amtrak departments to develop and implement policy and procedures to respond to ADA requirements. The program director has the responsibility to direct the ADA station development process and also to collaborate with internal and external stakeholders to assist in the delivery of construction projects that will result in ADA-compliant station facilities.

Notwithstanding this responsibility, the program director did not have responsibility to select projects to be funded until FY 2015. The Engineering department selected projects to fund in FY 2012 and FY 2013, with the approval of the ADA management team. Additionally, the ADA program director's ability to carry out his responsibilities has been affected by the frequently changing priorities and goals of the ADA program and the lack of overall direction from the ADA management team.

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## **Lack of a Strategic Plan Hinders Program Implementation**

The ADA management team has no long-term strategic plan for the ADA program that provides a strategy, goals, funding levels, and a timeframe for achieving full ADA compliance. Several senior management officials responsible for implementing the ADA program stated that they have been uncertain at times about the priorities and plans for the program. For example, one manager stated that the program has been unclear, has no direction, and needs a change. Best practices of private and government entities suggest that strategic planning is essential for effective outcomes. Strategic planning helps an organization effectively align organizational efforts with a single vision and ensure the efficient use of resources within budget constraints.

In recent years, organizations of the disabled community have publicly expressed their dissatisfaction with Amtrak's progress implementing ADA. Officials from the National Disability Rights Network<sup>8</sup> told us in November 2013 that Amtrak had not been transparent about recent changes to the ADA program, and the officials had no meetings up to that date with the ADA management team. In October 2013, the Network issued a report addressing Amtrak's failure to implement ADA after more than 23 years.<sup>9</sup> The report recommended that Amtrak prioritize and address basic barriers to accessibility. U.S. Access Board<sup>10</sup> officials stated that they also have had limited interaction with Amtrak officials regarding the company's ADA program.

The ADA management team recently took steps to improve communication with organizations representing disabled people. In February 2014, the President and Chief Executive Officer met with representatives of various organizations to discuss the ADA program. In April 2014, the Vice President, Government Affairs and Corporate Communications, and the ADA program director organized a special train from

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<sup>8</sup> The National Disability Rights Network is a non-profit membership organization that advocates for the enactment and vigorous enforcement of laws protecting the civil and human rights of people with disabilities.

<sup>9</sup> National Disability Rights Network, *All Aboard (Except People with Disabilities): Amtrak's 23 Years of ADA Compliance Failure*, October 2013.

<sup>10</sup> The U.S. Access Board is an independent federal agency that promotes equality for people with disabilities through leadership in accessible design and the development of accessibility guidelines and standards for the built environment, transportation, communication, medical diagnostic equipment, and information technology.

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Washington D.C. to Philadelphia, so passengers who use wheeled mobility devices could test new bridge plate designs.<sup>11</sup> And in May 2014, the Vice President, Government Affairs and Corporate Communications, met with representatives from the National Disability Rights Network and other disability rights organizations to discuss progress and future plans for the ADA program.

### **Revised Approach to Prioritize Work at Stations with Significant Accessibility Issues**

Starting in FY 2014, the ADA management team adopted a new approach known as the “pivot plan,” which refocused program priorities. Instead of addressing all ADA deficiencies at stations where Amtrak has sole ADA responsibility, the team began to prioritize work system-wide at stations with significant accessibility deficiencies. The ADA management team decided that, given limited resources, the new approach could do more to improve system-wide accessibility in a shorter timeframe. For example, the company will focus its activities on addressing accessibility deficiencies at 17 stations where passengers who use wheeled mobility devices cannot get on or off the train and cannot purchase a ticket, and 55 stations with inaccessible restrooms.

As part of the revised program focus, the ADA program director selected projects and stations for ADA work beginning in FY 2015, using the following criteria:<sup>12</sup>

- stations that are not available to passengers with a disability
- stations with a path-of-travel deficiency
- stations with an inaccessible building or inaccessible elements inside the station, such as a restroom
- stations where level boarding is required and does not exist
- setback-level boarding platforms

No documented plan has been developed to implement this new approach.

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<sup>11</sup> A bridge plate covers the gap between the platform and the train exits.

<sup>12</sup> To establish the highest priority within that category, stations in each category will be sorted based on ridership, according to the ADA program director.

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## **PROGRAM MANAGEMENT WEAKNESSES RESULTED IN LIMITED PROGRESS, INEFFICIENT SPENDING, AND SLOW IMPLEMENTATION OF REVISED PROGRAM FOCUS**

During FY 2012 and FY 2013, only three additional stations were reported as ADA-compliant, at a cost of about \$7.6 million. Although planning activities—such as property surveys, facility assessments and project designs—and other construction activities were completed or begun, a significant portion of the nearly \$100 million spent during the two fiscal years was inefficiently spent. Also, progress implementing the revised approach in FY 2014 has been slow.

### **Limited Progress Achieved During FY 2012 and FY 2013**

Construction activities were completed at three stations that made them ADA-compliant<sup>13</sup> and at eight other stations that previously had been deemed compliant. By the end of FY 2013, construction had also begun at eight other stations. In addition, other ADA-related activities and projects were completed to improve accessibility to stations for passengers with disabilities, such as initial planning activities and the installation of mobile lifts and passenger information display systems.

**Construction Projects Completed and Started.** During FY 2012 and FY 2013, about \$22.7 million was spent on 19 construction projects, including:

- \$7.6 million to make three additional stations ADA-compliant
- \$7.2 million at eight stations previously reported as ADA-compliant<sup>14</sup>
- \$7.9 million to start construction at eight additional stations

Construction projects were completed at stations in Needles and Redding, California, and Rensselaer, Indiana. The scope of work included new platforms, station signage, accessible parking, and restroom improvements. Figure 2 shows some of these improvements.

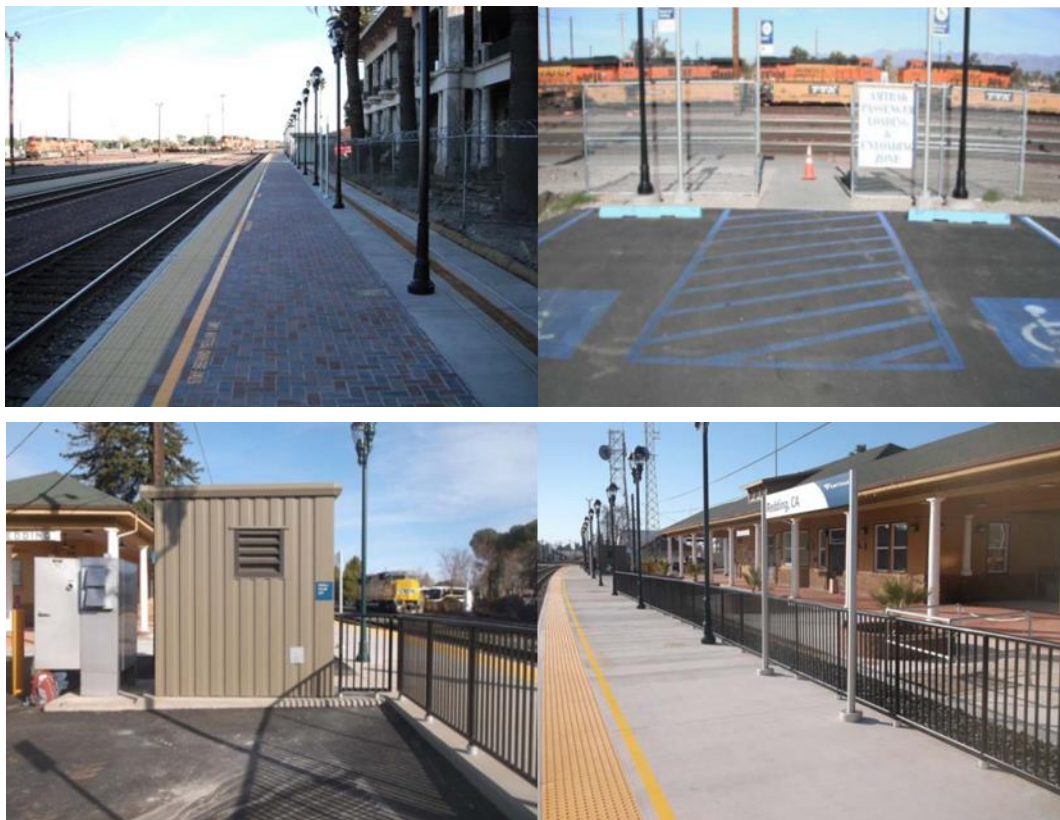
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<sup>13</sup> When construction work is completed, a project management contractor gives Amtrak's Engineering department a certificate certifying that the work completed at the station is ADA-compliant.

<sup>14</sup> Amtrak, *Intercity Passenger Rail Stations Served by Amtrak: A Report on Accessibility and Compliance with the Americans with Disabilities Act of 1990*, February 1, 2009.

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**Figure 2. Examples of ADA Improvements at Two Stations in FY 2013**



Source: Amtrak, Government Affairs and Corporate Communications  
 Clockwise, from top left: New platform and accessible parking at Needles, California, and new platform, signage, and a relocated mobile lift enclosure at Redding, California.

The Engineering department also reported spending about \$7.2 million at eight stations that previously had been reported ADA-compliant. The expenditures included (1) about \$6.1 million for accessible restrooms, platforms, accessible parking, mobile lifts, and signage at seven California stations,<sup>15</sup> and (2) about \$1.1 million to complete a project to provide accessible restrooms and improve access to ticket counters at Penn Station in New York City. These eight stations were reported compliant before the Accessible Stations Development Program (ASDP) was started. According to a senior operations manager, the ADA management team directed the Engineering department

<sup>15</sup> The seven stations in California are Auburn, Berkeley, Guadalupe, Lompoc-Surf, San Luis Obispo, Stockton-San Joaquin Street, and Turlock-Denair. Amtrak has sole ADA responsibility for the station, platform, and parking lots at these stations.

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to complete facility assessments at all stations. Seven stations in California had not been previously assessed; therefore, the company conducted new assessments that identified additional deficiencies that needed to be addressed.

In FY 2013, new construction projects were started at eight other stations.<sup>16</sup> About \$7.9 million was spent at these stations for new platforms, station signage, accessible parking, lighting, and other improvements. Figure 3 shows some of these improvements.

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<sup>16</sup> These stations are located in Dyer, Indiana; Amsterdam, Fort Ticonderoga, Port Kent, and Whitehall, New York; and Randolph, St. Albans, and Waterbury, Vermont.



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**Figure 3. Examples of ADA Improvements Made at Eight Stations in FY 2013**



Source: Amtrak OIG

Clockwise from top left: New signage at Waterbury, Vermont; accessible ramp at Amsterdam, New York; accessible parking, lighting, and station at Fort Ticonderoga, New York; and accessible restroom at Amsterdam, New York.

**Other ADA Activities Completed or Underway.** In addition to the construction activities, initial planning activities and other ADA-related projects were completed or underway by the end of FY 2013, including:

- **Initial planning activities.** The initial steps toward making stations ADA-compliant under the ASDP include (1) conducting surveys to document property ownership and boundaries, (2) conducting facility accessibility assessments to identify work that must be done to make a station ADA-compliant, and (3) developing project designs for the work that must be done. During FY 2012 and FY 2013, Amtrak completed 176 property surveys, 71 facility assessments, and 30 project designs.

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- **Mobility First.** During FY 2012, the Engineering department spent about \$8.5 million to complete the Mobility First program. The program began in 2009 by installing wheeled mobility lifts and shelters for the lifts in order to improve access to trains by wheeled mobility devices.
- **Passenger Information Display System.**<sup>17</sup> The Marketing and Sales department spent approximately \$3 million<sup>18</sup> on this system, including installing this system at three stations—Bloomington-Normal, Illinois; Wilmington, Delaware; and Union Station, Washington D.C.—and initiating design work for the station in Denver, Colorado. The system provides audio and visual messaging for all passengers, including those who are deaf, hearing impaired, visually impaired, or blind. The company plans to expand the system nation-wide, having awarded contracts for system design, software development, deployment, and operation and maintenance.
- **Amtrak.com.** The Marketing and Sales department began to improve Amtrak.com software to give passengers with disabilities better options when booking reservations. This project is estimated to cost about \$2 million and is scheduled to be completed by September 30, 2014.

## **Inefficient Use of Funds**

Notwithstanding the activities and projects completed in FY 2012 and FY 2013, a significant portion of the ADA funding was inefficiently used, largely as a result of changes in program priorities.

***Program Management Spending on Projects Exceeds Transportation Industry Averages.*** More than 46 percent of the nearly \$100 million spent on the ADA program in FY 2012 and FY 2013 was expended on program management activities, as shown in Table 1. These activities included project oversight provided under contract by a project management company, construction and project management performed by Amtrak Engineering staff, legal services, safety training for contractors, and other related activities.

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<sup>17</sup> The Passenger Information Display System program was initiated under a pilot program in 2009.

<sup>18</sup> The Passenger Information Display System also received approximately \$251,178 in additional funding outside of the ADA program.

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**Table 1. Reported ADA Program Expenditures in FY 2012 and FY 2013**  
**(dollars in millions)**

<b>Expenditure Category</b>	<b>FY 2012</b>	<b>FY 2013</b>	<b>Total</b>
ASDP Design	\$11.2	\$10.8	\$22.0
ASDP Construction	0.7	15.2	15.9
Mobility First <sup>a</sup>	8.5	--	8.5
Other ADA-Related Work <sup>b</sup>	4.8	2.5	7.3
Program Management	21.8	24.5	46.3
<b>Total</b>	<b>\$47.0</b>	<b>\$53.0</b>	<b>\$100.0</b>
<b>Program Management as a Percentage of Total Cost</b>	<b>46.5%</b>	<b>46.2%</b>	<b>46.3%</b>

Source: Amtrak OIG analysis of Amtrak financial data

Notes: Numbers were rounded.

<sup>a</sup> These expenditures include construction costs to complete Mobility First projects.

<sup>b</sup> These expenditures include other ADA-related projects, including Amtrak.com and the Passenger Information Display System.

Best project management practices for major public transportation projects suggest that 30 percent of the costs of a transit project are typically spent on program management activities, according to research sponsored by the U.S. Federal Transit Administration.<sup>19</sup> However, ADA program management costs averaged 46 percent of project costs for FY 2012 through 2013—about \$16.3 million higher than they would have been using the best practices percentage.

The program management costs were high because the Engineering department did not react quickly enough to changes in the priorities and requirements of the ADA program. In early 2011, the Engineering department designed an ADA program to spend about \$175 million a year for five years. To help manage the program, the department awarded a contract in August 2011 to provide project management services, including project design and oversight of construction projects. Shortly after the award of this contract, the FY 2012 budget for the ADA program was significantly reduced to about \$50 million a year, but no corresponding adjustments were made to the contract

<sup>19</sup> Transportation Research Board of the National Academies, Transit Cooperative Research Program, *Estimating Soft Costs for Major Public Transportation Fixed Guideway Projects*, Washington D.C., 2010.

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until about one year after the budget reduction. At that point, the Engineering department amended the contract to help reduce program management costs, according to a senior manager in the Operations department. The manager stated that Engineering did not immediately revise the contract because the department was expecting a higher funding level in FY 2013. The department did not want to reduce staff only to incur additional costs to remobilize its workforce once funding was received.

The Deputy Chief Engineer for construction stated that the Engineering department plans to build in-house program management capacity and also will provide more oversight of and work more closely with individual stations. As a result, the Engineering department expects to reduce program management costs to about 26 percent of total program costs in FY 2014.

***An Undetermined Amount of ADA Funding Spent on State-of-Good-Repair.*** In FY 2012 and FY 2013, the ADA program focused on making stations ADA-compliant. During that time, there was no financial reporting requirement to distinguish between state-of-good-repair work and ADA work. Thus, we could not readily determine the precise cost and amount of work that was state-of-good-repair. However, the three examples below show that some undetermined amount of state-of-good-repair work was completed with ADA funds:

- **Rensselaer, Indiana.** In FY 2013, a new station shelter at Rensselaer, Indiana, was built for about \$1.2 million. The facility accessibility assessment did not state that a new shelter was required for ADA compliance. According to the ADA program director, the width of the door entrance to the existing shelter did not meet ADA requirements (Figure 4, left); however, a new shelter was constructed (Figure 4, right). The cost to construct the new shelter and other improvements were considered ADA-related and were funded by the ADA program.

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**Figure 4. Work Completed at Rensselaer, Indiana**



BEFORE

AFTER

Source: Amtrak, Government Affairs and Corporate Communications

- Dyer, Indiana.** In FY 2013, construction began on a new low-level platform, a new station shelter (Figure 5, right), new station signage, a new parking lot with two accessible parking spaces, and new lighting. Construction costs were estimated at approximately \$3 million as of March 2014. The facility accessibility assessment did not state that a new shelter was required for ADA compliance. According to the ADA program director, the width of the door entrance to the existing shelter did not meet ADA requirements (Figure 5, left), and the existing platform did not have a tactile edge. All of the work is being funded under the ADA program.

**Figure 5. Work in Progress at Dyer, Indiana**



BEFORE

AFTER

Source: Amtrak, Government Affairs and Corporate Communications

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- **Niles, Michigan.** Amtrak spent approximately \$931,000 in FY 2012 ADA funds on a new roof for the station in Niles, Michigan. However, no ADA-related work was included in the scope of work.

ADA funds were also used for electrical work, landscaping, new lighting, and non-ADA parking at other stations, but the facility accessibility assessments did not state that these items were required for ADA compliance.

**Spending on Project Designs At Risk of Being Wasted.** Approximately \$6.5 million was spent on designs for 54 projects that are not included in FY 2014 or FY 2015 construction plans. For example, nearly \$160,000 was spent on a design for the station in Michigan City, Indiana, which is not included in the FY 2014 or FY 2015 construction plans. The ADA management team decided to discontinue service at this station rather than continue with planned upgrades; as a result, the design funds were wasted. When the program priorities shifted to addressing stations with significant accessibility deficiencies beginning in FY 2014, designs at 53 other stations were set aside and were not included in the FY 2014 and FY 2015 construction plans. If the designs are not ultimately used, an additional \$6.3 million is at risk of being wasted.

**Revised Program Direction Adopted to Improve System-wide Accessibility, But Progress Continues to Be Slow**

The primary goal of the revised approach for FY 2014, referred to as a “pivot plan,” is to give priority to stations with significant accessibility barriers for which Amtrak has sole or shared ADA responsibility. However, only 2 of the 21 construction projects planned for FY 2014 have been started.

As of March 31, 2014, Amtrak had spent about \$13.3 million (27 percent) of the \$50 million FY 2014 ADA budget. About \$6.2 million (46 percent) was spent to continue work at eight stations where construction started in FY 2013. The remaining funds were spent on FY 2014 projects as follows:

- **Two construction projects planned for FY 2014 have started.** The Engineering department planned to start 21 ADA construction projects in FY 2014. However, as of April 2014, only two projects have started — installation of level-boarding platforms at Lorton, Virginia, and Sanford, Florida. According to a senior manager in the Operations department, the remaining 19 projects have been delayed pending the Federal Railroad Administration’s review and approval of documentation submitted for environmental and historical property reviews. As



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of May 2014, Amtrak submitted documentation to the Federal Railroad Administration that 14 of the 19 proposed construction projects met the requirements of the National Environmental Policy Act and the National Historic Preservation Act. The senior manager planned to start awarding contracts for these 19 projects in June 2014 with construction starting by September 2014.

- **Most designs have not started.** The Engineering department planned to start designs for projects at 61 stations in FY 2014; as of February 2014, only 14 designs were started. An Operations senior manager said that start dates for the remaining designs were delayed because amending the project management contract took longer than expected.
- **No construction started at stations that are inaccessible to wheeled mobility users.** Amtrak has sole or shared ADA responsibility for 17 stations where passengers who use wheeled mobility devices cannot get on or off the train.<sup>20</sup> No construction is planned at any of these stations in FY 2014. However, designs are underway for projects at four stations, and construction is planned for FY 2015. For the timeframe planned for the 17 stations, see Appendix B.
- **No progress made in making restrooms accessible.** Amtrak has sole or shared responsibility for 55 stations with inaccessible restrooms.<sup>21</sup> According to the FY 2014 plan, construction is planned at 13 of these stations during FY 2014, but, as of April 2014, construction had not started at any of them. These projects have been delayed pending environmental reviews and the Federal Railroad Administration's approval to proceed, according to an Operations senior manager. For the timeframe planned for the 55 stations, see Appendix C.

**Other ADA Projects Planned for FY 2014.** The Engineering department plans to complete 51 surveys and 67 facility assessments. Property surveys at all stations where Amtrak has sole or shared ADA responsibility will be completed during FY 2015,

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<sup>20</sup> At three additional stations, passengers who use wheeled mobility devices cannot get on or off the train, but Amtrak has no ADA responsibility for these stations.

<sup>21</sup> Four additional stations have inaccessible restrooms, but Amtrak has no ADA responsibility for these stations.

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according to the Vice President, Government Affairs and Corporate Communications. He noted that all facility assessments should be completed during FY 2016.

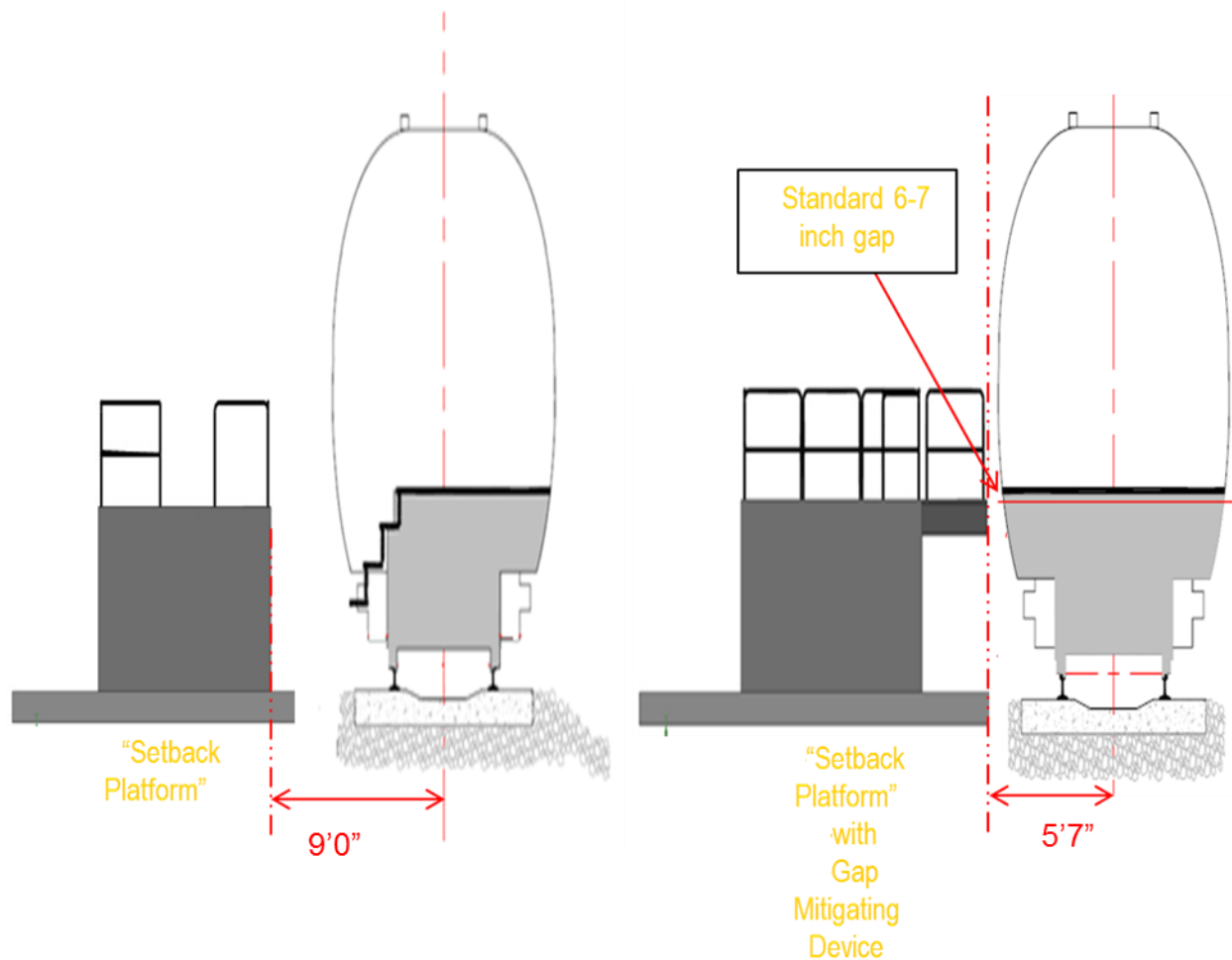
In addition to completing these activities, a prototype for a setback-level boarding solution is scheduled to be developed. In July 2012, the President and Chief Executive Officer established a policy that some form of level boarding would be provided for stations with more than 7,500 riders a year.<sup>22</sup> In October 2013, a \$3.2 million contract was awarded to create a conceptual design for a setback-level boarding solution. For an illustration of the conceptual design, see Figure 6.

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<sup>22</sup> Mobile wheeled mobility lifts would still be used at stations with fewer than 7,500 riders a year.

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**Figure 6. Conceptual Design for Setback-Level Boarding Solution**



Source: Amtrak, Government Affairs and Corporate Communications

The setback-level boarding solution could be installed at the 202 stations that have an annual ridership of more than 7,500, according to the ADA program director.

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## **CONCLUSIONS AND RECOMMENDATIONS**

Over the last two years, the ADA management team has achieved minimal results, largely because of the lack of an effective program management structure and the absence of a strategic plan that sets a vision, goals, and objectives, including estimates of costs and a timeframe for completion. In addition, until recently, organizations representing the disabled community have had limited interactions with the ADA management team. If these issues are not addressed, the program is likely to make only limited progress in the future.

To help improve the effectiveness of ADA program management, we recommend that the President and Chief Executive Officer take the following actions:

1. Consider realigning ADA program responsibility to the executive with the greatest responsibility for ADA program components, most likely the Vice President, Operations.
2. After organizational responsibility has been decided, direct the lead executive, in conjunction with other ADA management team members, to 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
3. Consider establishing an ADA Advisory Panel that includes members from the disabled community to advise the ADA management team on ADA-related issues.

## **MANAGEMENT COMMENTS AND OIG ANALYSIS**

In his response to the draft report, the President and Chief Executive Officer agreed with our recommendations. He stated that the ADA program director will be moved to the Vice President, Operations department, on or before September 1, 2014, and the director will have responsibility for the development, budget, and execution of the Accessible Stations Development Program. In addition, he noted that the company will

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develop a written strategic plan for the ADA program that will be in place during the first quarter of FY 2015. The plan will contain a mission statement, defined roles and responsibilities, a program organization, the key project management oversight, and a process for providing accurate and reliable data to measure the success of the program. Finally, he stated that the company will meet quarterly with the leadership of the national disability organizations; the first meeting is expected to be held in September 2014. The promised actions meet the intent of our recommendations. As part of our recommendation follow-up process, we will monitor and review the company's actions to implement our recommendations.

For the complete management response, see Appendix D.

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## **Appendix A**

### **SCOPE AND METHODOLOGY**

This report provides the results of our follow-up audit to assess the progress in achieving the ADA program goals and addressing the management control issues raised in our previous report. We conducted this audit work from July 2013 through May 2014 in Wilmington, Delaware; Baltimore, Maryland; Amsterdam, Ticonderoga, and Whitehall, New York; Paoli and Philadelphia, Pennsylvania; Randolph and Waterbury, Vermont; and Washington D.C.

To assess the progress in achieving the ADA program goals, we compared the number of stations reported to be ADA-compliant as of September 30, 2013, to the number reported compliant as of September 30, 2011. We also analyzed funds that Amtrak spent from FY 2012 through March 2014 on the following:

- facility assessments, project design, construction, and program management under its Accessible Station Development Program
- the Passenger Information Display System
- Amtrak.com
- other miscellaneous ADA projects

To determine if significant accessibility deficiencies were being addressed, we compared the stations in the plan for FY 2014 and FY 2015 to those currently blocked on Amtrak.com and those with inaccessible restrooms. In addition, we interviewed the ADA program director and four of the six ADA management team members regarding plans, timeframes, and budgets for achieving compliance.

To observe the work completed under ASDP, we visited five stations—Amsterdam, Ticonderoga, Whitehall, Randolph, and Waterbury. We selected these stations to minimize travel costs and because the ADA work was completed. To obtain an understanding of the scope of work required to make stations ADA-compliant, we visited four stations—Paoli, Philadelphia, Baltimore/Washington International Airport, and Union Station in Washington D.C. In addition, we interviewed the Director of Civil Rights and an engineer in the Office of Railroad Development at the Federal Railroad Administration to obtain their perspectives on the effectiveness of Amtrak's



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ADA program. Finally, we met with officials from the U.S. Access Board and National Disability Rights Network to obtain their views on Amtrak's ADA program.

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 provides a reasonable basis for our findings and conclusions based on our audit objectives.

## **Internal Controls**

We reviewed the management controls used to implement the ADA program's strategic direction and day-to-day activities. This included assessing the program's accountability framework and controls established for project oversight—such as the role of the ADA management team, Engineering department staff, and the ADA program director.

## **Computer-Processed Data**

We obtained actual expenditures for ADA projects for FY 2012, FY 2013, and through March of FY 2014 from Amtrak's Financial Information System. We did not validate the FY 2012 numbers but relied on them based on an unqualified opinion on Amtrak's financial statements from its external auditors. We did not validate the FY 2013 and FY 2014 numbers because they are un-audited information. However, we compared the financial data to program documents, and we found these numbers to be sufficient for our purposes.

## **Prior Audit Reports**

We identified the following Amtrak OIG reports as being relevant to this audit:

- *Americans With Disabilities Act: Leadership Needed to Help Ensure That Stations Served by Amtrak Are Compliant* (109-2010, September 29, 2011)
- *Acquisition and Procurement: Gateway Program's Concrete Casing Project Progressing Well; Cost Increases Will Likely Exceed Budget* (OIG-A-2014-004, February 11, 2014)

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**Appendix B**

**STATIONS WHERE PASSENGERS WHO USE A WHEELED MOBILITY DEVICE CANNOT GET ON OR OFF THE TRAIN**

Station	FY 13 Ridership	Pivot Plan Milestones			
		Survey	Assessment	Design	Construction
Ashland, VA <sup>a</sup>	28,421	FY 14	FY 14	FY 15	TBD
Buffalo Exchange St., NY <sup>a</sup>	38,397	FY 14	FY 15	TBD	TBD
Clifton Forge, VA <sup>b</sup>	2,750	FY 14	FY 14	FY 15	TBD
Coatesville, PA <sup>c</sup>	16,626	FY 14	FY 14	TBD	TBD
Elko, NV <sup>b</sup>	9,657	Done	Done	FY 14	FY 15
Glenwood Springs, CO <sup>b</sup>	33,113	Done	Done	FY 14	FY 15
Harpers Ferry, WV <sup>d</sup>	6,287	FY 14	FY 14	FY 15	TBD
Marshall, TX <sup>e</sup>	10,555	Done	Done	FY 14	FY 15
Mount Joy, PA <sup>f</sup>	69,848	FY 15	TBD	TBD	TBD
Newark, DE <sup>g</sup>	12,971	FY 14	FY 14	FY 15	TBD
Paoli, PA <sup>e</sup>	175,299	FY 15	TBD	FY 15	FY 15
Parkesburg, PA <sup>b</sup>	55,290	Done	Done	FY 15	TBD
Philadelphia-North, PA <sup>b</sup>	590	Done	Done	FY 14	FY 15
Westerly, RI <sup>h</sup>	39,186	Done	FY 14	FY 15	TBD
Windsor, CT <sup>a</sup>	13,235	FY 14	FY 14	FY 15	TBD
Windsor Locks, CT <sup>i</sup>	18,711	Done	Done	FY 14/ FY 15	TBD
Windsor-Mt Ashtney, VT <sup>j</sup>	1,126	Done	FY 15	TBD	TBD

Source: OIG analysis of Amtrak pivot plan and ridership data

Notes: The shaded stations are not shown as inaccessible on Amtrak.com for people who self-identify as wheeled mobility users but are considered inaccessible by Government Affairs and Corporate Communications staff.

TBD means to be determined.

<sup>a</sup> Amtrak is responsible for the platform, and another party is responsible for the station and parking facility.

<sup>b</sup> Amtrak is responsible for the station, platform, and parking structure.

<sup>c</sup> Amtrak is responsible for the platform and parking facility, and another party is responsible for the station.

<sup>d</sup> Amtrak shares responsibility for the station, platform, and parking facility.

<sup>e</sup> Amtrak is responsible for the platform and shares responsibility for the station and parking facility.

<sup>f</sup> Amtrak is responsible for the station, platform, and parking structure. The station is being renovated by the Pennsylvania Department of Transportation.

<sup>g</sup> Amtrak shares responsibility for the platform, and another party is responsible for the station and parking facility.

<sup>h</sup> Amtrak is responsible for the platform, shares responsibility for the station, and another party is responsible for the parking facility.

<sup>i</sup> Amtrak is responsible for the station and platform, and another party is responsible for the parking facility.

<sup>j</sup> Amtrak is responsible for the platform, but the station and parking facility do not exist.

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**Appendix C**

**STATIONS WHERE RESTROOMS ARE INACCESSIBLE FOR PASSENGERS WITH DISABILITIES**

Station	FY 13 Ridership	Pivot Plan Status			
		Survey	Assessment	Design	Construction
Albany, OR <sup>a</sup>	40,208	TBD	TBD	FY 14	TBD
Alpine, TX <sup>b</sup>	4,921	TBD	TBD	FY 14	TBD
Anniston, AL <sup>a</sup>	5,385	TBD	TBD	FY 14	TBD
Barstow, CA <sup>c</sup>	3,586	TBD	TBD	TBD	TBD
Birmingham, AL <sup>d</sup>	48,759	TBD	TBD	TBD	TBD
Browning, MT <sup>e</sup>	2,003	TBD	TBD	FY 14	TBD
Charleston, SC <sup>b</sup>	82,147	FY 14	FY 14	FY 15	TBD
Clifton Forge, VA <sup>b</sup>	2,750	FY 14	FY 14	FY 15	TBD
Columbus, WI <sup>b</sup>	16,188	TBD	TBD	FY 14	FY 15
Corcoran, CA <sup>a</sup>	31,542	TBD	FY 15	TBD	TBD
Culpeper, VA <sup>a</sup>	13,677	FY 15	TBD	TBD	TBD
Devils Lake, ND <sup>b</sup>	5,142	TBD	TBD	FY 14	FY 14
Elkhart, IN <sup>f</sup>	20,080	TBD	FY 14	TBD	TBD
Fort Edward-Glen Falls, NY <sup>b</sup>	9,453	FY 14	FY 14/FY 15	FY 15	TBD
Fort Morgan, CO <sup>b</sup>	3,196	TBD	TBD	FY 14	TBD
Glasgow, MT <sup>b</sup>	5,416	TBD	TBD	FY 14	FY 14
Hinton, WV <sup>g</sup>	8,897	TBD	FY 14	TBD	TBD
Houston, TX <sup>b</sup>	21,617	TBD	TBD	FY 14	TBD
Kankakee, IL <sup>a</sup>	24,067	TBD	TBD	TBD	TBD
La Junta, CO <sup>b</sup>	6,711	TBD	TBD	FY 14	TBD
Lamy, NM <sup>h</sup>	12,551	TBD	TBD	FY 14	TBD
Libby, MT <sup>b</sup>	6,490	TBD	TBD	FY 14	FY 14
Longview, TX <sup>g</sup>	41,305	TBD	TBD	FY 14	TBD
Macomb, IL <sup>a</sup>	77,082	FY 14	FY 15	TBD	TBD
Malta, MT <sup>b</sup>	3,956	TBD	TBD	FY 14	FY 14
Maysville, KY <sup>b</sup>	2,411	FY 14	FY 14	FY 15	TBD
McGregor, TX <sup>b</sup>	5,209	TBD	TBD	FY 14	TBD
Mineola, TX <sup>a</sup>	7,213	TBD	TBD	TBD	TBD
Minot, ND <sup>b</sup>	41,615	TBD	TBD	FY 14	TBD
Mount Pleasant, IA <sup>b</sup>	12,613	TBD	TBD	FY 14	FY 15
Mystic, CT <sup>a</sup>	23,490	FY 15	TBD	TBD	TBD
Paoli, PA <sup>i</sup>	175,299	FY 15	TBD	FY 15	FY 15
Plano, IL <sup>a</sup>	6,901	TBD	FY 15	TBD	TBD
Plattsburgh, NY <sup>i</sup>	13,405	FY 14	FY 14	FY 15	TBD
Prince, WV <sup>b</sup>	3,406	TBD	TBD	TBD	FY 14
Princeton, IL <sup>b</sup>	36,118	FY 14	FY 15	TBD	TBD
Raton, NM <sup>b</sup>	15,733	TBD	TBD	FY 14	FY 15
Red Wing, MN <sup>b</sup>	9,525	TBD	TBD	FY 14	FY 14
Richmond-Staples Mill Road, VA <sup>b</sup>	372,592	FY 14	FY 14	FY 15	TBD

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Station	FY 13 Ridership	Pivot Plan Status			
		Survey	Assessment	Design	Construction
Rochester, NY <sup>b</sup>	141,576	FY 15	TBD	TBD	TBD
Royal Oak, MI <sup>a</sup>	37,158	TBD	TBD	FY 14	TBD
Rugby, ND <sup>b</sup>	5,637	TBD	TBD	FY 14	FY 14
Salinas, CA <sup>a</sup>	21,942	TBD	FY 15	TBD	TBD
San Clemente Pier, CA <sup>i</sup>	15,017	TBD	TBD	FY 14	TBD
South Bend, IN <sup>a</sup>	25,613	TBD	FY 14	TBD	TBD
St. Albans, VT <sup>b</sup>	3,592	TBD	TBD	TBD	FY 14
St. Cloud, MN <sup>b</sup>	13,537	TBD	TBD	FY 14	FY 14
Stanley, ND <sup>b</sup>	9,411	TBD	TBD	FY 14	FY 14
Staunton, VA <sup>b</sup>	7,733	TBD	TBD	TBD	FY 14
Truckee, CA <sup>a</sup>	9,855	TBD	TBD	TBD	TBD
Tuscaloosa, AL <sup>b</sup>	11,598	TBD	TBD	FY 14	FY 15
Williston, ND <sup>b</sup>	51,076	TBD	TBD	FY 14	FY 14
Winona, MN <sup>b</sup>	23,507	TBD	TBD	FY 14	FY 14
Winter Park-Fraser, CO <sup>k</sup>	7,250	FY 15	TBD	TBD	TBD
Yuma, AZ <sup>j</sup>	3,891	TBD	TBD	FY 15	TBD

Source: Amtrak OIG Analysis of Amtrak pivot plan and ridership data

Notes: TBD means to be determined.

<sup>a</sup> Amtrak is responsible for the platform, and another party is responsible for the station and parking facility.

<sup>b</sup> Amtrak is responsible for the station, platform, and parking structure.

<sup>c</sup> Amtrak is responsible for the platform, another party is responsible for the parking facility, and there is no station.

<sup>d</sup> Amtrak is responsible for the station and platform, and another party is responsible for the parking facility.

<sup>e</sup> Amtrak is responsible for the platform and parking facility, and there is no station.

<sup>f</sup> Amtrak is responsible for the platform, shares responsibility for the station, and another party is responsible for the parking facility.

<sup>g</sup> Amtrak is responsible for the platform and parking facility, and another party is responsible for the station.

<sup>h</sup> Amtrak is responsible for the parking facility, shares responsibility for the platform, and another party is responsible for the station.

<sup>i</sup> Amtrak is responsible for the platform and shares responsibility for the station and parking facility.

<sup>j</sup> Amtrak is responsible for the platform; the station and parking facility do not exist.

<sup>k</sup> Amtrak is responsible for the platform, another party is responsible for the station, and there is no parking facility.

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## Appendix D

### COMMENTS FROM AMTRAK'S MANAGEMENT

NATIONAL RAILROAD PASSENGER CORPORATION  
 40 Massachusetts Avenue, NE, Washington, DC 20002  
 tel (202) 906-3960, fax (202) 906-2850

## Memo



*Joseph H. Boardman*  
 Joseph H. Boardman

Date July 24, 2014  
 To Tom Howard, Inspector

From President and CEO  
 Department  
 Subject *Train Operations and Business Management: Addressing Management Weakness Is Key to Enhancing the ADA Program* (Draft Report for Project No. 013-2013)  
 cc Joseph McHugh  
 DJ Stadtler  
 Stephen Gardner  
 Eleanor Acheson  
 Matthew Hardison  
 William Herrmann  
 Joseph Rago  
 Gary Talbot  
 Matthew Gagnon  
 Melantha Paige  
 Peggy Reid

Message This memo is in response to the Office of Inspector General's Draft report entitled "*Train Operations and Business Management: Addressing Management Weaknesses Is Key to Enhancing the ADA Program*" which was issued on June 18, 2014.

#### Recommendation 1

Consider realigning ADA program responsibility to the executive with the greatest responsibility for ADA program components, most likely the Vice President - Operations.

#### Management Response

Management agrees with the OIG's recommendation. The ADA Program Director will be moved to the Vice President - Operations' organization on or before September 1, 2014, and have responsibility for the development, budget, and execution of the Accessible Stations Development Program (ASDP).

#### Recommendation 2

After organization responsibility has been decided, direct the lead executive, in conjunction with other ADA management team members, to develop a written strategic plan for achieving ADA compliance that:

- Provides clear vision and policy for the ADA program;

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July 24, 2014  
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- Establishes criteria for selecting projects to fund;
- Identifies project and program cost estimates;
- Creates annual performance metrics;
- Sets target date for all stations to become ADA-compliant.

**Management Response**

Management agrees with the OIG's recommendation. Amtrak will develop a written strategic plan for its ADA program including a strong project management element to advance the ADA work. The plan will contain a mission statement, defined roles and responsibilities, a program organization, the key project management oversight, and a process for providing accurate and reliable data to measure the success of the program. ASDP will be integrated into Amtrak's strategy management framework and will incorporate a full complement of project management tools. The ADA plan will be developed and in place during the first quarter of FY15. We will work with the OIG as we develop the ADA strategic plan in order to ensure we address the concerns that have been raised.

**Recommendation 3**

Consider establishing an ADA Advisory Panel that includes members from the disabled community to advise the ADA management team on ADA related issues.

**Management Response**

Amtrak agrees that continuing a high level of frequent contact with the disability community will better align Amtrak with their needs and expectations and will help improve the quality of the program. Amtrak will meet quarterly with the leadership of the national disability organizations who have been engaged with Amtrak to help us improve accessibility. We expect that the first quarterly meeting will be held in September 2014.



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**Appendix E**

**ABBREVIATIONS**

ADA	Americans with Disabilities Act
ASDP	Accessible Stations Development Program
FY	Fiscal Year
OIG	Office of Inspector General

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**Appendix F**

**OIG TEAM MEMBERS**

David R. Warren, Assistant Inspector General, Audits

Michael Kennedy, Senior Director

Dorian Herring, Auditor-in-Charge

David P. Bixler, Contractor

Jason Fong, Contractor

## OIG MISSION AND CONTACT INFORMATION

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<b>Amtrak OIG's Mission</b>	The Amtrak OIG's mission is to provide independent, objective oversight of Amtrak's programs and operations through audits, inspections, evaluations, 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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<b>Obtaining Copies of OIG Reports and Testimony</b>	Available at our website: <a href="http://www.amtrakoig.gov">www.amtrakoig.gov</a> .
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<b>Point of Contact</b>	David R. Warren Assistant Inspector General, Audits  Mail: Amtrak OIG 10 G Street NE, 3W-300 Washington D.C., 20002  Phone: 202-906-4600 E-mail: <a href="mailto:David.Warren@amtrakoig.gov">David.Warren@amtrakoig.gov</a>
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