



METRO-NORTH RAILROAD SUPERVISOR MISUSED WORK VEHICLE AND TAMPERED WITH VEHICLE GPS DEVICE

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I. EXECUTIVE SUMMARY

The Office of the MTA Inspector General (OIG) received a referral from the Metro-North Railroad (MNR) Security Department alleging that a Structures Supervisor (the Structures Supervisor) had tampered with the Global Positioning System (GPS) device of his MNR personally assigned vehicle (PAV). OIG substantiated the allegations, finding that the Structures Supervisor tampered with the MNR GPS device installed in the PAV and misused his PAV for personal purposes. Specifically, OIG identified at least 111 instances in a nine-month period, from July 15, 2023 to March 18, 2024, when the GPS device in the PAV had been disconnected. Further, OIG collected data for 57 consecutive days during that nine-month period and found that the Structures Supervisor used his PAV while off duty for personal purposes on 40 of those days and for personal use while on duty on 11 days. Notably, the Structures Supervisor admitted to the misconduct when interviewed by OIG.

OIG recommends that MNR take whatever action it deems appropriate concerning the Structures Supervisor. As discussed further below, OIG provided its report to MNR, and MNR initiated disciplinary charges. The Structures Supervisor resigned, and MNR will further seek to recoup compensation paid to the Structures Supervisor for time he did not work. Because the Structure Supervisor's conduct also appears to violate the New York State Public Officers Law, OIG is forwarding this matter to the New York State Commission on Ethics and Lobbying in Government for any action it may deem appropriate.

II. BACKGROUND

The Structures Supervisor was hired by MNR in 2012 as an Ironworker and became an Assistant Supervisor in September 2017 and a Supervisor in 2019. He is currently assigned to the Maintenance of Way (MOW) - Bridges, Culverts, & Tunnels Structures Department on the New Haven Line (the Bridgeport Structures Department), and is based out of the Bridgeport Yard in Bridgeport, Connecticut. His regular work schedule is Monday to Friday, 6:30 a.m. to 3:00 p.m., with regular days off (RDOs) on Saturday and Sunday. His work includes maintenance for bridges, fences, and culverts and steel repair. He supervises 30 employees including iron workers, bridge mechanics, carpenters, and masons.

The Structures Supervisor has been assigned a PAV since he became an Assistant Supervisor in 2017. In 2021, he was assigned MNR vehicle UR 223, a Ford pick-up truck. The Structures Supervisor had been driving UR 223 until May 2024 when MNR took it away for reasons unrelated to this investigation, and he was not assigned another PAV. UR 223 was equipped with a GPS device installed by an MNR vendor (the MNR GPS device) that monitored the vehicle's whereabouts and recorded certain data. Beginning in January 2023, MNR found suspicious MNR GPS device power disconnections. Subsequent inspections of the Structures Supervisor's PAV provided evidence that the Structures Supervisor had intentionally tampered with the GPS device in the vehicle.

III. INVESTIGATION

A. Records Reviewed and Analysis

1. MOW Timecards and Kronos Records

OIG reviewed the Structures Supervisor's MOW timecards and MTA Kronos records from November 29, 2023 to February 1, 2024, and found no issue or unusual activity.

2. MNR GPS Device Records and Data for PAV UR 223

OIG obtained and reviewed vehicle history reports from July 15, 2023 through March 18, 2024, relating to the MNR GPS device installed in UR 223. The records contained data such as the device-ID associated with the vehicle, ignition on and off times, vehicle locations and movements, the odometer reading, and most importantly, the dates and times when power to the MNR GPS device was disconnected or restored.

The vehicle history reports of UR 223 confirmed that the Structures Supervisor was the driver from July 15, 2023 until November 7, 2023, when it changed to "unknown."¹ Significantly, OIG identified at least 111 instances, between July 15, 2023 and March 18, 2024, when the MNR GPS device was disconnected. When the MNR GPS device was connected, the data reflects that the vehicle departed from the Structures Supervisor's residence at the start of each day and returned to his residence at the end of each day. Most of the disconnections were found to have occurred either at the Structures Supervisor's residence or at the Bridgeport Yard. There were 18 instances when the device was disconnected and re-connected in the same day; there were 60 overnight

¹ A representative from the GPS vendor speculated that because the device had been disconnected so many times, the driver ID swipe functionality broke and could not be fixed.

disconnections when the device was disconnected in the afternoon or evening and reconnected the following day; and there were 31 instances when the device was disconnected for consecutive days. For example, from November 21 to November 27, 2023, over the Thanksgiving holiday, the device was disconnected for just under six consecutive days. And from January 17 to January 22, 2024, the device was disconnected for more than five consecutive days.

3. OIG GPS Device Data and Comparison with Timecards and Kronos Records

On November 29, 2023, OIG installed a second GPS device (the OIG GPS device) in UR 223, which was active and monitored by OIG investigators until it was removed on February 1, 2024. GPS data was captured for 57 days, from December 7, 2023 to February 1, 2024. OIG investigators reviewed the recorded location and movements of UR 223, even in those instances when the MNR GPS device was disconnected. OIG compared the locations and movements of UR 223 with the Structures Supervisor's timecards and Kronos swipes and found that the Structures Supervisor made personal use of UR 223 both while off duty and on duty, with no apparent MNR work purpose. The device data review also showed that UR 223, with rare exception, departed from the Structures Supervisor's residence at the start of each work period and returned to his residence at the end of each day.

With respect to the off-duty personal use, OIG found that the Structures Supervisor used UR 223 for personal, non-MTA business purposes on 40 of the 57 days in the review period. The off-duty personal use took place before or after the Structures Supervisor's shift on workdays, as well as on his RDOs or holidays. The Structures Supervisor drove UR 223 to certain repeat locations while he was off duty. He visited one of the locations, which he admitted was the private residence of a co-worker and friend, on 21 days. On 22 of the 40 days, the Structures Supervisor also used the vehicle while off duty to shop, run errands, or to simply drive around locally. On 10 of the 40 days, the Structures Supervisor drove UR 223 to various local schools and a church.

The Structures Supervisor also used UR 223 for personal purposes 11 times while on duty. The Structures Supervisor departed the Bridgeport Yard in UR 223 to run personal errands, including two trips to a Bass Pro Shops in Bridgeport on December 22 and 29, 2023, and three trips to the Connecticut Post Mall on December 21, 22, and 28, 2023. After running the errands, the Structures Supervisor returned to the Bridgeport Yard, essentially taking extended midday breaks during his workday. Moreover, the Structures Supervisor did not take any leave time during those extended midday breaks.

OIG compared the Structures Supervisor's personal use of UR 223 with reported MNR GPS device disconnections from December 7, 2023 to February 1, 2024. OIG found many instances in which the MNR GPS device was disconnected when the Structures Supervisor used the vehicle for personal purposes, both while he was on and off duty.

For example, the MNR GPS device in UR 223 was disconnected from approximately 6:00 p.m. on Wednesday, December 20, 2023 through around noon on Tuesday, December 26, 2023; and then again, from around midnight on December 27, 2023 until Tuesday morning, January 3, 2024. During this time, the Structures Supervisor was on duty on December 20, 21, 22 and 26, and January 2; and off duty on December 23, 24, and 25. The Structures Supervisor utilized the vehicle for personal use on all except one of the days while the MNR device was disconnected.

B. Summary of Interviews Conducted

1. Reporting Structure and Operations of the Bridgeport Structures Department

OIG interviewed the Structures Supervisor as well as the two managers of the Bridgeport Structures Department, who are both based in Bridgeport. The two managers share the responsibility of managing supervisors and maintenance repair projects from their two headquarters at Bridgeport and Springdale, Connecticut. The Structures Supervisor reports directly to the Assistant Director of the Bridgeport Structures Department (the Structures Assistant Director), who in turn reports to the Assistant Deputy Director of the Bridgeport Structures Department (the Structures Assistant Deputy Director). The Structures Supervisor told OIG that he swipes in and out via Kronos daily and fills out a MOW daily timecard, which one of his two managers reviews.

2. PAVs: Assignment and Usage

OIG interviewed the Senior Director of Operations Resource Management & Productivity Improvement, Operations Resource Management, for MNR (the Senior Director), as well as personnel of MNR's Automotive Department. In addition to other departments, the Senior Director oversees the Automotive Department. The Senior Director explained that as of April 2024, there were 96 PAVs assigned within MNR and that he and the President of MNR approve the assignment of each PAV. He said that a PAV is assigned to a certain position or job title; the employee to whom the PAV is assigned takes the PAV home each night and has the same PAV assigned to him each day.

The Senior Director explained PAV use and protocol. Every PAV is equipped with a GPS device that monitors the vehicle's location and trips. There is also a PAV application (the PAV App) on each driver's MNR cell phone. Drivers must swipe their MNR identification (ID) card to start the ignition as well as to indicate to the GPS system they are the one driving the vehicle. They also are required to input their destination at the beginning of each trip into the PAV App. A supervisor with access to the App must approve the trip within 30 days. According to the Senior Director, a driver may stop for an incidental errand (*i.e.*, stop and pick up milk) but cannot go off route nor make a longer stop like going to a restaurant. The Structures Assistant Director confirmed that employees are only allowed to take the vehicles to and from their work locations and use them for assigned duties.

The Senior Director said that a PAV can be released to be driven by another employee via ID swipe into the MNR GPS system, but only the assigned driver has the PAV App on his phone. The release of a PAV to a non-assigned driver rarely happens because there are pool vehicles for such purposes, and, according to the Senior Director, it never happens in the Bridgeport Structures Department because the drivers in that group need and drive their PAVs all day. According to the Structures Assistant Director, five employees within the Bridgeport Structures Department are assigned PAVs, including the Structures Supervisor.

The Senior Director explained that the GPS device is located within the vehicle, tucked under the dashboard, secured with screws, and cannot be seen unless the dashboard cover is opened. As set forth in the MNR vehicle policy, which all drivers are given, drivers are not allowed to touch or manipulate the GPS device within the vehicle and must bring their vehicles in for service when the GPS device appears to not be functioning properly. He said that drivers of PAVs are all aware that their vehicles are equipped with and monitored by GPS – there is a notification in the PAV App as well as a sticker adhered to the back of each GPS-equipped vehicle indicating that the vehicle is monitored by GPS.

The Structures Assistant Deputy Director explained that he generally approves an entire month's trip entries in the PAV App at one time; he does not approve the trips in real time. He said he looks at details like trip start location, destination, and mileage; checks to make sure the trip is aligned with work projects; and spot checks dates to confirm that a certain job was worked on a certain date. The Structures Assistant Deputy Director approves PAV App entries for the Structures Supervisor and has been doing so since March or May 2023. The Structures Assistant Deputy Director said that he had not approved many trips in 2024 for the Structures Supervisor because he had not received the Structures Supervisor's PAV App reports for "a couple of months," even though the Structures Supervisor had been driving a PAV. The Structures Assistant Deputy Director stated that sometime in the last three months, he sent an email to the group of Structures supervisors reminding them about their use of the PAV App. A few weeks later, he checked the

App again, and there was still no App activity for the Structures Supervisor's trips. He said he then spoke directly with the Structures Supervisor who said his App was not working. The Structures Assistant Deputy Director said he did not follow up on it or take any steps relating to the Structures Supervisor's PAV. The Structures Assistant Deputy Director added that he thought the PAV would be taken away from the Structures Supervisor because he was not using the PAV App as it is well known that drivers must use the App or they will lose use of the PAV.

3. *PAV UR 223: Personal Use of the Vehicle, GPS Power Disconnections, and Suspected GPS Device Tampering*

OIG interviewed the Assistant Deputy Director of the MNR Automotive Department (the Automotive Assistant Deputy Director) who oversees vehicle fleet, maintenance, fuel, accidents, and repair and ensures installation and functional capability of GPS devices in such vehicles. He stated that as of May 2024, he oversees 931 vehicles, including PAVs. The Automotive Assistant Deputy Director has a staff of five who oversee GPS activity of all vehicles, including running GPS data reports, monitoring GPS device defects, and responding to and notifying departments when GPS devices are not functioning properly.

The Automotive Assistant Deputy Director told OIG of the many reported disconnections of the Structures Supervisor's GPS device and the efforts taken by the Automotive Department in response. Around June 2022, the Automotive Assistant Deputy Director learned that the GPS device buzzer in PAV UR 223, assigned to the Structures Supervisor, would not shut off. The Automotive Department sent a technician to Bridgeport to reconnect the GPS device. The technician told the Automotive Assistant Deputy Director that he had noticed wires hanging down from the GPS device; he zip tied and tucked the wires back up and re-plugged the device in.

In or around January 2023, the Structures Assistant Director reached out to the Automotive Assistant Deputy Director's team and notified them that he had reviewed the Structures Supervisor's GPS logs. The Structures Assistant Director had wanted to verify the Structures Supervisor's presence at a job site on a certain date but could not do so because the GPS report was showing a disconnection on that date. UR 223 was brought in to check the GPS device a few weeks later, and it was observed that the GPS device had been unplugged. According to the Automotive Assistant Deputy Director, vendors sometimes unplug the device while working on a vehicle and neglect to plug it back in, but here, he was suspicious because this was the second problem with the Structures Supervisor's GPS device. The device was re-plugged in.

Then, in May 2023, upon receipt of an erratic driving complaint about UR 223, the Automotive Assistant Deputy Director pulled the GPS report for the date of the reported incident, and the report again showed a disconnection on the date and time of the incident. The Automotive Assistant Deputy Director notified the Structures Assistant Director, and in June 2023, UR 223 was again brought back to check the GPS device. A contractor from the GPS vendor who performs repairs checked the device and reported back to the Automotive Assistant Deputy Director that he sprayed the wires with tamper-proof orange lacquer, re-zip tied the wires, and securely reinstalled the device. The contractor also took photos showing the device and the hanging wires as he encountered them on inspection and of the work he performed to secure the GPS cable, connectors, and plugs.



Photos and observations provided by the GPS vendor contractor to the Automotive Assistant Deputy Director.

Over the next few weeks, the Automotive Assistant Deputy Director’s team learned of more GPS power disconnections on the MNR GPS device in UR 223. In late June 2023, the Automotive Assistant Deputy Director and the Structures Assistant Director arranged for UR 223 to be inspected. In mid-July 2023, an MNR Automotive Specialist from the Automotive Department (the Automotive Specialist) went to Bridgeport Yard and inspected UR 223.

The Automotive Specialist, who OIG interviewed, stated that upon inspection of UR 223, he immediately noticed the GPS connection wires hanging down from the on-board diagnostic (OBD) port where the MNR GPS device is plugged in. It looked to him as though the dash panel was still intact, but the wires were hanging down near the brake pedal. He removed the lower steering column panel and found the MNR GPS device itself was loose. He told OIG that in his experience, the installer ensures the device is installed properly and secured with zip ties and tucks all the wires behind the steering wheel panel. He explained that for the wires to be seen hanging down, someone would have had to cut the zip ties. Based on his experience in handling GPS devices, the Automotive Specialist concluded that someone had removed the panel and cut the zip ties, so that the connection wires were hanging down by the brake pedal, in order to gain access to and disconnect the GPS device from the OBD port. He also noted that the driver should have reported that the device had become loose and wires were seen hanging down by the brake pedal. He took pictures and a video of what he had seen and sent them to the Automotive Assistant Deputy Director. Below are two of the photos taken by the Automotive Specialist.

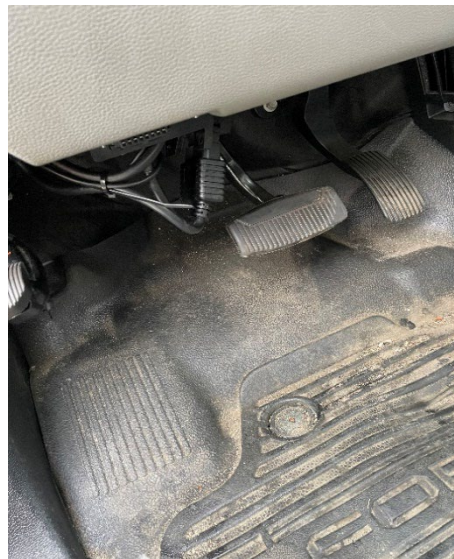


Photo 1: Showing the GPS connection wires from the OBD port hanging down by the brake pedal.



Photo 2: Showing the loose GPS device (black box with white sticker).

After the Automotive Specialist's inspection in mid-July 2023, MNR referred the matter to OIG.

OIG interviewed the Structures Supervisor, who acknowledged that he is not supposed to use his PAV for personal purposes. The Structures Supervisor admitted to "often" using the PAV for personal use, including making stops when driving to work, while off duty, and "definitely" on the weekends. He admitted that he had driven the PAV to his parents' private residence on Christmas Eve in 2023, as well as to the private residence of a co-worker and friend "a couple times a week" on the way home from work. He claimed that he used the PAV so that he could have all his "stuff" with him in the vehicle should he ever receive an emergency phone call or a call-out. However, the Structures Assistant Deputy Director told OIG that if the Structures Supervisor needed paperwork or any work materials from the PAV, he should go to the vehicle to get the material rather than take it with him while using the PAV while off duty. The Structures Supervisor further stated that although he knew of agency policies about the use of work vehicles, he figured "it was okay," because his use of the PAV never came up with his managers. After OIG explained that personal use of the vehicle is not allowed, the Structures Supervisor acknowledged that he should not have been using the PAV for personal purposes. OIG staff showed the Structures Supervisor MTA Policy 11-037 regarding the use of PAVs. He said that he did not recall ever receiving a copy of the policy, but that he "probably" had and that he had also received training about it. He also admitted that he was "being lazy" and needed to get his PAV App fixed.

At first, the Structures Supervisor denied ever touching, manipulating, or tampering with the GPS device in PAV UR 223. After OIG staff showed him an analysis of his personal use of UR 223 and corresponding GPS device disconnect outages and explained that the disconnections seemed "more than incidental," the Structures Supervisor admitted that he had disconnected the MNR GPS device in UR 223 "pretty frequently." He said the first time he disconnected the MNR GPS device, he unplugged it to stop the beeping (which does not shut off until the driver swipes his

ID and connects to the system), but he then admitted to purposefully disconnecting and re-connecting the device to essentially take the vehicle wherever and whenever he wanted. He said that he had no method as to how many days he disconnected it or why and when he did so. The Structures Supervisor further admitted to disconnecting the GPS device for hours or days at a time and that he may have disconnected it more than three times a week. He said that he never mentioned to any supervisor about what he had done and acknowledged that he knew that he should not have disconnected the device.

OIG staff told the Structures Supervisor that there were 111 disconnections of the GPS device for UR 223 between July 15, 2023 and March 18, 2024, and identified the locations where the disconnections were reported. The Structures Supervisor stated that most of the disconnections were “probably [him] disconnecting” the device; where the device was disconnected at his residence was “definitely” him, and that the disconnections at Bridgeport Yard, were “50/50” done by him. OIG staff showed the Structures Supervisor MNR Policy 10-015 and the language prohibiting tampering with a GPS device installed in an assigned vehicle. The Structures Supervisor said he “would guess there was a policy” and acknowledged that he should not have touched or manipulated the GPS device in his PAV.

IV. POLICIES AND ANALYSIS

MNR Policies

MNR Corporate Policy and Operating Procedure, Non-Revenue Vehicle Management and Monitoring, #10-015 (MNR Policy 10-015)

1. Section III: Definitions

A Company Vehicle is defined as: “[a]ny non-revenue vehicle owned, leased or rented by Metro-North.”

Global Positioning System (GPS) is described as: “[t]he GPS collects and transmits location and other data on company vehicles outfitted with GPS units. Information is provided in real-time, 24 hours per day. The technology also transmits vehicle driver information through an on board identity card reader, and vehicle diagnostics and conditions through the on-board computer system. GPS captures speed, mileage, fuel levels, fuel consumption, along with several other key components of vehicle operation. This data is then sent via wireless network to a secure remote server where it is processed and dispersed to an on-screen map interface for viewing by multiple concurrent users and to the database for storage.”

2. *Section IV: Employees*

Section IV states, in pertinent part, that “[e]mployees are required to adhere to the provisions of the MTA All-Agency Assignment and Use of Official Vehicles Policy (11-037), which states that unauthorized use of an official vehicle may result in the revocation of vehicle assignment, and/or appropriate disciplinary action up to and including dismissal. For vehicles equipped with an on-board GPS device, the vehicle operator is required to tap their valid employee identification pass on the card reader before operation of the vehicle. Employees who are assigned and/or operate company vehicles are prohibited from making unauthorized alterations to company vehicles, including tampering in any way with the GPS device or the card reader.”

3. *Section V: Policy*

Section V further provides that “[a]ny data or information obtained from GPS is the property of MNR, and employees shall have no expectation of privacy in connection with the operation of Company Vehicles.”

MTA Policies

MTA All Agency Policy Directive: Assignment and Use of Official Vehicles, Policy 11-037

1. *IV. Procedure, Section C: Vehicles Usage*

Section C states in relevant part: “[t]he use of all MTA Vehicles is restricted to the performance of Official Business and use for any personal purposes or business is strictly forbidden, except under very limited circumstances where (i) personal use such as commuting is expressly authorized as described above, or (ii) personal use is incidental to Official Business. Even in cases where personal use is authorized or is incidental to Official Business, each person operating an MTA Vehicle is expected to exercise good judgment to avoid the appearance of impropriety.”

2. *IV. Procedure, Section I: Compliance*

The policy further states regarding compliance: “[u]nauthorized use of an MTA Vehicle or violation of or failure to comply with the requirements of this Directive may result in the revocation of vehicle assignment and/or appropriate disciplinary action, up to and including dismissal.”

MTA All-Agency Code of Ethics

1. § 4.02 Public Trust

Section 4.02 states, in pertinent part, that employees shall not engage in a course of conduct that will raise suspicion among the public that they are likely to be engaged in acts that are in violation of the public trust. Further, employees shall avoid even the appearance that they can be improperly influenced in the performance of their official duties or induced to violate the public trust or impair their independence of judgment in the exercise of their official duties.

2. § 9.01 General

Section 9.01 states, in pertinent part, that employees who violate any provision of the State Ethics Laws or of this Code may be subject to disciplinary action consistent with that administered for violations of the rules and regulations of the applicable MTA Agency, up to and including termination.

New York State Public Officers Law

1. § 74(3)(d)

Section 74(3)(d) states that “[n]o officer or employee of a state agency, member of the legislature or legislative employee should use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself or herself or others, including but not limited to, the misappropriation to himself, herself or to others of the property, services or other resources of the state for private business or other compensated non-governmental purposes.”

2. § 74(3)(h)

Section 74(3)(h) states that “[a]n officer or employee of a state agency, member of the legislature or legislative employee should endeavor to pursue a course of conduct which will not raise suspicion among the public that he or she is likely to be engaged in acts that are in violation of his or her trust.”

Analysis

The Structures Supervisor blatantly violated MNR and MTA policies regarding MNR-assigned work vehicles and engaged in a course of conduct that created suspicion and violated the public trust, and which also violated the New York State Public Officers Law. He admitted to using his MNR-assigned work vehicle for personal purposes, both while on and off duty, and disconnecting the GPS device installed in the vehicle to use the vehicle whenever he wanted. Moreover, the Structures Supervisor initially was not honest with OIG staff during his interview. Only when confronted by OIG and shown its analysis, did he admit to tampering with the GPS device.

V. FINDINGS

1. The Structures Supervisor admitted to not using the PAV App from approximately November 2023 to May 2024.
2. On at least 111 occasions, between July 15, 2023 and March 18, 2024, the Structures Supervisor tampered with the GPS device in his MNR-issued vehicle, in violation of MNR Corporate Policy and Operating Procedure, Non-Revenue Vehicle Management and Monitoring, #10-015.
3. On at least 40 occasions, between December 7, 2023 and February 1, 2024, the Structures Supervisor misused his MNR-issued vehicle by using it for personal purposes while off duty and not for official business, in violation of MTA Policy 11-037.
4. On 11 occasions, between November 29, 2023 and January 16, 2024, the Structures Supervisor took extended midday breaks during work hours during which he used his MNR-issued vehicle for personal use, in violation of MTA Policy 11-037.
5. The Structures Supervisor violated the MTA All-Agency Code of Ethics Section 4.02 as he engaged in acts that were in violation of the public trust.
6. The Structures Supervisor violated New York State Public Officers Law Sections 74(3)(d) and 74(3)(h) by using MTA resources, including his PAV, for personal use, as well as engaging in a course of conduct which could raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.

OIG’s findings rely upon the version of MNR Policy 10-015 dated September 25, 2015, which was in effect at the time of the alleged misconduct. The policy was revised as of May 1, 2024, to include additional provisions relating to the prohibition of tampering with GPS devices for vehicles equipped with on-board GPS devices and corrective measures for failing to follow policies relating to vehicle usage and GPS tampering. Given these revisions, OIG does not make any recommendations pertaining to further revising MNR’s vehicle policy.

VI. RECOMMENDATIONS

OIG recommends that MNR take whatever action it deems appropriate with respect to the Structures Supervisor.

Agency Response: Upon receipt of the report in July 2024, MNR removed the Structures Supervisor from service without pay and served him with disciplinary charges. Subsequently, effective August 13, 2024, the Structures Supervisor resigned in lieu of being terminated through the disciplinary process. MNR will further seek to recoup compensation paid to the Structures Supervisor for time he did not work.

A copy of this report will be provided to the New York State Commission on Ethics and Lobbying in Government for their review and any action they deem appropriate.