

OFFICE OF THE STATE AUDITOR

DIANA DIZOGLIO

Official Audit Report – Issued May 5, 2026

Merrimack Valley Transit

For the period July 1, 2022 through June 30, 2024



OFFICE OF THE STATE AUDITOR

DIANA DIZOGLIO

May 5, 2026

Noah Berger, Administrator
Merrimack Valley Transit
85 Railroad Avenue
Haverhill, MA 01835

Dear Mr. Berger:

I am pleased to provide to you the results of the enclosed performance audit of Merrimack Valley Transit. As is typically the case, this report details the audit objectives, scope, methodology, findings, and recommendations for the audit period, July 1, 2022 through June 30, 2024. As you know, my audit team discussed the contents of this report with agency managers. This report reflects those comments.

I appreciate you and all your efforts at Merrimack Valley Transit. The cooperation and assistance provided to my staff during the audit went a long way toward a smooth process. Thank you for encouraging and making available your team. I am available to discuss this audit if you or your team has any questions.

Best regards,



Diana DiZoglio
Auditor of the Commonwealth

cc: Kassandra Gove, Advisory Board Chair of Merrimack Valley Transit

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
OVERVIEW OF AUDITED ENTITY	3
AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY	11
DETAILED AUDIT FINDINGS WITH AUDITEE’S RESPONSE.....	15
1. Merrimack Valley Transit did not ensure that employees of its contracted operating companies completed required newly hired employee safety training or de-escalation training.	15
2. Merrimack Valley Transit did not resolve previously identified issues regarding processing Americans with Disabilities Act paratransit complaints.....	18
OTHER MATTERS	20
1. Merrimack Valley Transit did not ensure that customer complaints were properly recorded and monitored.....	20
2. Merrimack Valley Transit has not developed policies or procedures to monitor the creation and maintenance of its information system user accounts.....	21

LIST OF ABBREVIATIONS

ADA	Americans with Disabilities Act
CFR	Code of Federal Regulations
DGR	DGR Management
MeVa	Merrimack Valley Transit
MVATC	Merrimack Valley Area Transportation Company
RTA	regional transit authority
SMS	safety management system
STS	Special Transportation Services

EXECUTIVE SUMMARY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor has conducted a performance audit of certain activities of Merrimack Valley Transit (MeVa) for the period July 1, 2022 through June 30, 2024.

The purpose of our audit was to determine the following:

- Did MeVa ensure that employees of its contracted operating companies received required safety trainings in accordance with Section 673.29(a)(1) of Title 49 of the Code of Federal Regulations, MeVa’s *Public Transportation Agency Safety Plan*, and the “Progressive Discipline Policy” for each of MeVa’s contracted operating companies?
- Did MeVa take corrective action to address the issue identified in our prior audit (Audit No. 2022-0496-3A) regarding Americans with Disabilities Act (ADA) paratransit complaints?

Below is a summary of our findings, the effects of those findings, and our recommendations, with hyperlinks to each page listed.

Finding 1 Page 15	MeVa did not ensure that employees of its contracted operating companies completed required newly hired employee safety training or de-escalation training.
Effect	A lack of training could jeopardize the safety of riders and the general public. It also increases the risk to MeVa’s safety and operations, putting employees of MeVa’s contracted operating companies at risk because they are sent into the field without being fully equipped to perform their jobs safely and effectively.
Recommendations Page 17	<ol style="list-style-type: none">1. MeVa should develop, document, and implement sufficient policies and procedures, including a monitoring component, to ensure that employees of its contracted operating companies complete required safety trainings. This should include newly hired employee safety training, quarterly refresher trainings, de-escalation training, and any required retraining resulting from documented preventable accidents.2. MeVa should ensure that it retains records of training assignments and completions for all employees of its contracted operating companies.
Finding 2 Page 18	MeVa did not resolve previously identified issues regarding processing ADA paratransit complaints.
Effect	By continuing to not follow the required procedures for its ADA paratransit complaint process, MeVa may not resolve significant issues regarding its transportation services in a timely manner or at all. This could have a negative impact on the quality of services that MeVa provides to its ADA-required paratransit riders.
Recommendation Page 19	MeVa should implement monitoring controls to ensure that its contracted operating companies acknowledge ADA paratransit complaints within 24 hours, resolve complaints, and consistently document any follow-up actions and outcomes.

In addition to the conclusions we reached regarding our audit objectives, we also identified issues not specifically addressed by our objectives regarding the recording and monitoring of customer complaints and the development of policies or procedures to oversee the creation and maintenance of information system user accounts. See Other Matters for more information.

OVERVIEW OF AUDITED ENTITY

Massachusetts Regional Transit Authorities

Chapter 161B of the Massachusetts General Laws established regional transit authorities (RTAs), which provide public transportation services for communities outside the reach of the Massachusetts Bay Transportation Authority's fixed-route¹ bus service area. This law defines the roles and responsibilities of these authorities and the municipalities in which they operate. Each RTA has an advisory board made up of the top elected official (e.g., selectperson or mayor) from each municipality in which it operates, one representative of the disabled commuter population,² and one representative of the local rider community. The advisory boards appoint administrators, establish bylaws, and approve budgets and changes to RTA services.

Section 53 of Chapter 6C of the General Laws makes the Rail and Transit Division of the Massachusetts Department of Transportation "responsible for overseeing, coordinating and planning all transit and rail matters throughout the commonwealth," including intercity buses, the Massachusetts Bay Transportation Authority, and RTAs.

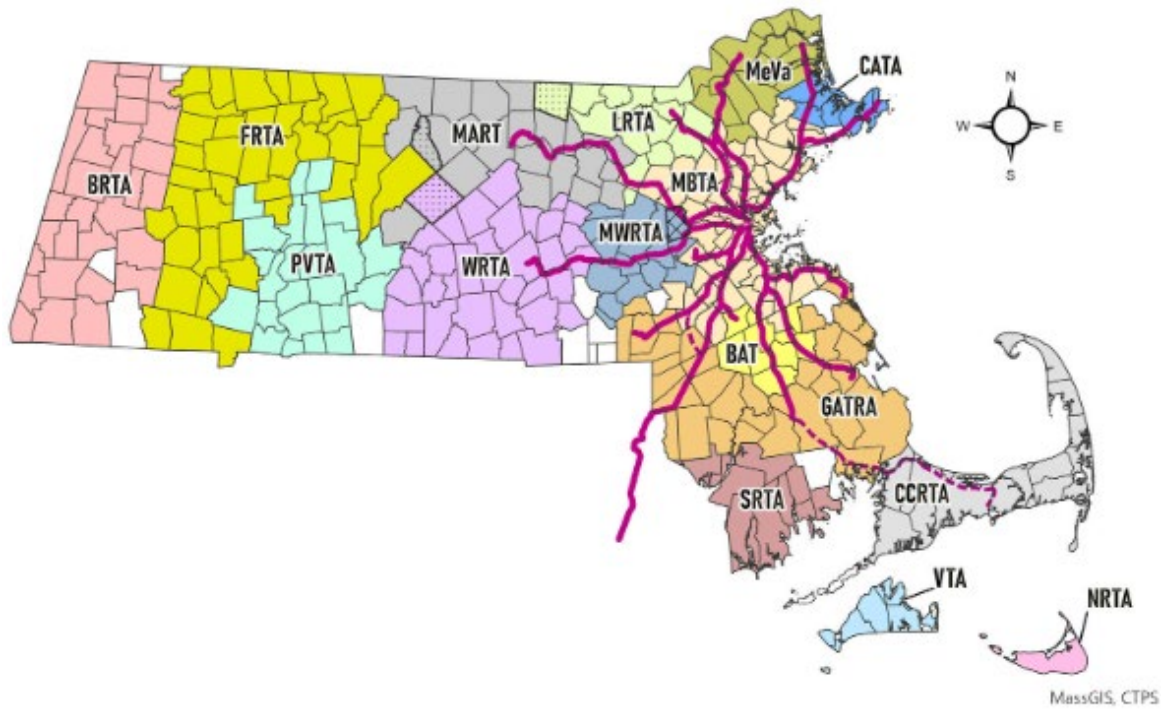
Currently, there is a network of 15 RTAs operating in the Commonwealth, in addition to the transit services provided by the Massachusetts Bay Transportation Authority. These RTAs serve 280 cities and towns outside the greater Boston area. RTAs are funded through a combination of state appropriations, federal grants, local government assessments, transit fares, and other sources. Although RTAs manage their own operations, they are prohibited by Section 25 of Chapter 161B of the General Laws from directly operating transit services and must therefore contract with a third-party operating company for these services.

State appropriations for the 15 RTAs for fiscal years 2023 and 2024 were \$96,500,000 and \$96,820,000, respectively.

The map below displays the Massachusetts Bay Transportation Authority's service area, along with the service zones of each RTA within the cities and towns they serve, as of August 2, 2024.

1. Fixed-route transportation services have established routes, schedules, and stops.
2. According to Section 5 of Chapter 161B of the General Laws, "This representative shall be mobility impaired, have a family member who is mobility impaired, be a caretaker of a person who is mobility impaired or work for an organization that serves the needs of the physically disabled."

Figure 1. Map of Transit Authorities in Massachusetts by RTA Service Area



Legend

RTA Boundaries

- BRTA - Berkshire Regional Transit Authority
- BAT - Brockton Area Transit
- CATA - Cape Ann Transportation Authority
- CCRTA - Cape Cod Regional Transit Authority
- FRTA - Franklin Regional Transit Authority
- GATRA - Greater Attleboro-Taunton Regional Transit Authority
- LRTA - Lowell Regional Transit Authority

- VTA - Martha's Vineyard Transit Authority
- MBTA THE RIDE - Massachusetts Bay Transportation Authority THE RIDE
- MeVa - Merrimack Valley Regional Transportation Authority
- MWRTA - MetroWest Regional Transit Authority
- MART - Montachusett Regional Transit Authority
- NRTA - Nantucket Regional Transit Authority
- PVTA - Pioneer Valley Transit Authority

- SRTA - Southeastern Regional Transit Authority
- WRTA - Worcester Regional Transit Authority
- Shared Service Area with Massachusetts Bay Transportation Authority
- Shared Service Area with Montachusett Regional Transit Authority
- Not within any RTA service area

MBTA Commuter Rail Lines

- Full Service
- Used Seasonally or for Special Events

Source: The Massachusetts Department of Transportation—Rail and Transit Division (<https://www.mass.gov/info-details/public-transportation-in-massachusetts>)

Merrimack Valley Transit

Merrimack Valley Transit (MeVa) was established in 1974 as one of the original transit authorities created by Chapter 161B of the General Laws. According to its website,

MeVa's service district is anchored by the Merrimack River and centered on the gateway cities of Lawrence, Haverhill, and Methuen, while also extending to the seacoast, as well as more rural and suburban [communities] further south and east of the river. MeVa carries 3.4 million riders per year on its family of local and intercity bus routes, mini MeVa paratransit, a seasonal beach bus, and future ferry service!

Table 1. Cities and Towns in MeVa's Service Area

Amesbury	Groveland	Methuen	North Reading
Andover	Haverhill	Newbury	Rowley
Boxford	Lawrence	Newburyport	Salisbury
Georgetown	Merrimac	North Andover	West Newbury

MeVa's operations are overseen by an advisory board that hires MeVa's administrator and is responsible for setting fares, establishing service levels, and authorizing real estate acquisitions. MeVa's administrator manages MeVa's day-to-day operations.

During the audit period, MeVa contracted with DGR Management (DGR), a privately operated company, to provide transit management and operations services for its fixed-route bus and its demand-response³ transportation services provided to paratransit riders.

Under its service agreement with MeVa, DGR is responsible for overall transit operations, including scheduling transportation services, maintaining MeVa's vehicles, and hiring and training maintenance and operational staff members. DGR operates through two subsidiaries: Merrimack Valley Area Transportation Company (MVATC), which provides fixed-route bus services, and Special Transportation Services (STS). STS provides MeVa's paratransit services, both those that are required by the Americans with Disabilities Act (ADA) and those that are not. During the audit period, MVATC employed 128 staff members, and STS employed 32. Both MVATC and STS provide public transportation services on behalf of MeVa and are referred to throughout this report as MeVa's contracted operating companies.

3. Demand-response transportation services are non-fixed-route transportation services that must be requested by riders and scheduled by dispatchers through a transportation service.

In fiscal years 2023 and 2024, MeVa received funding from a variety of sources, including fare revenue and federal, state, and local assistance. The table below shows the total income that MeVa received from each funding source during fiscal years 2023 and 2024.

Table 2. Sources of Funding for MeVa—Fiscal Years 2024 and 2025

Type of Funding	Fiscal Year 2023	Fiscal Year 2024
Farebox Revenue*	\$ 4,229	\$ 0**
Terminal†	1,176,957	1,401,611
Federal Appropriations	10,113,108	5,262,928
State Appropriations	7,922,759	13,817,489
Member Community Contributions‡	4,542,854	4,656,425
Interest and Other Income	65,964	425,687
Total	<u>\$23,825,871</u>	<u>\$ 25,564,140</u>

* MeVa’s financial statements refer to this revenue as Revenue from Transportation.

** MeVa began transitioning to a fare-free business model in March 2022; therefore, revenue was no longer collected through fareboxes on its buses in fiscal year 2024.

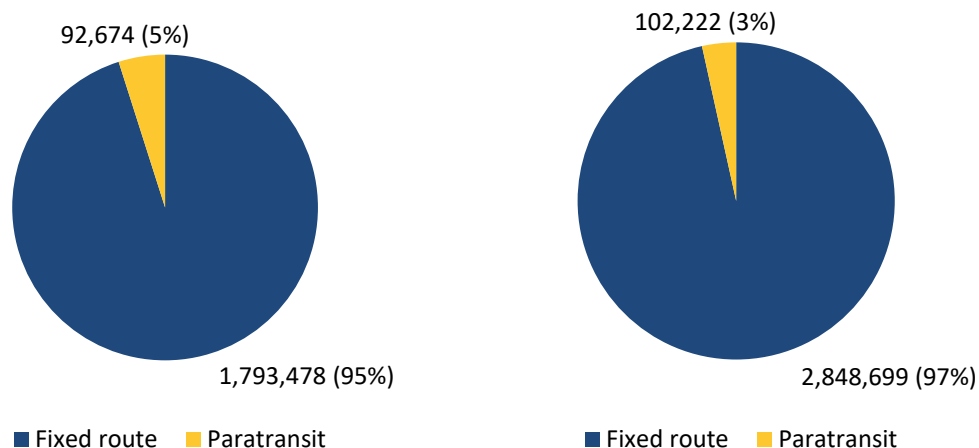
† Terminal revenue is revenue from parking facilities and vendor rental fees at McGovern Transportation Center, MeVa’s central bus hub, which is located in Lawrence.

‡ Member community contributions are funds that municipalities within MeVa’s service area provide to MeVa to support transit operations. These payments are funded by mandatory assessments that the Commonwealth levies against cities and towns served by MeVa.

MeVa Ridership Information

Based on information provided by MeVa officials, the charts below summarize MeVa’s ridership information for fiscal years 2023 and 2024.

Figure 2. MeVa Total Ridership for Fiscal Years 2023 (Left) and 2024 (Right)



ADA–Required Paratransit Services

The ADA of 1990 recognized that some individuals’ disabilities prevent them from using a fixed-route transit system. Section 37(F) of Title 49 of the Code of Federal Regulations (CFR), which covers transportation and related stipulations of the ADA, states,

Each public entity operating a fixed route system shall provide paratransit or other special service to individuals with disabilities that is comparable to the level of service provided to individuals without disabilities who use the fixed route system.

The above regulation also establishes minimum levels of service that RTAs must provide for ADA-required paratransit services.

ADA Paratransit Complaints

ADA paratransit complaints are complaints related to ADA-required paratransit services. According to 49 CFR 27.13, transportation programs that receive federal funding must adopt complaint procedures and designate a responsible employee to coordinate these procedures.

ADA paratransit complaints, which can be submitted by riders or members of the general public, can be made to MeVa’s main office via telephone, email, traditional mail, or in-person means. All complaints are documented by employees of one of MeVa’s contracted operating companies using an Incident/Complaint form, which was designed by MeVa and includes information provided by the complainant.

The employees of MeVa’s contracted operating companies who receive and document complaints are required to forward Incident/Complaint forms to MVATC’s assistant general manager and general manager. Within 24 hours of the complaint being filed, MVATC’s office coordinator is required to inform the complainant that the complaint is being reviewed. STS’s ADA coordinator examines all complaints to determine which ones are ADA paratransit complaints. MVATC’s office coordinator, MVATC’s assistant general manager, and STS’s director of paratransit operations then investigate the complaint by reviewing various records related to it, including security video footage, if it is available. After this review, they determine whether further action is warranted. MVATC’s assistant general manager provides a response to the complainant by telephone, email, or traditional mail, informing them of the outcome of the complaint review. MVATC’s assistant general manager documents the date of the response and the outcome of the complaint on the Incident/Complaint form.

During our prior audit (Audit No. 2022-0496-3A), we found that MeVa did not follow required procedures for processing ADA paratransit complaints. Specifically, in some cases, complainants did not receive acknowledgments of their complaints within 24 hours, and MeVa employees did not always document follow-up responses to complainants.

Safety Training Program

According to 49 CFR 673.29(a)(1),

A transit agency must establish and implement a comprehensive safety training program that includes de-escalation training, safety concern identification and reporting training, and refresher training for all operations transit workers and transit workers directly responsible for safety in the transit agency's public transportation system. The training program must include refresher training, as necessary.

According to 49 CFR 673, each transit agency must have a safety management system (SMS), which is a documented, agency-wide system of policies and procedures to manage safety risks. The purpose of an SMS is to ensure that all employees have the knowledge they need to safely carry out their duties. The regulation requires an SMS to include four elements. One of these four required elements is safety promotion, which involves both training employees and regularly sharing updates regarding safety information to support an SMS within a transit agency's operations.

MeVa has a safety training program for all employees and contractors whose duties directly affect the safety of the public transportation system. The program applies to a wide range of positions, including agency leadership, managers, supervisors, and contracted operating company employees. Training requirements are tailored to each employee's safety-related responsibilities and are delivered through a combination of classroom instruction and hands-on, job-specific training. MeVa's training programs are outlined below.

Newly Hired Employee Safety Training

MeVa's *Public Transportation Agency Safety Plan* requires that all newly hired employees complete safety training as part of their onboarding process. Completion of newly hired employee safety training is documented in an employee's personnel file. This training familiarizes employees with the agency's SMS, including safety policies and hazard reporting procedures. Newly hired drivers receive additional instruction covering operational rules, workplace conduct, and labor-related requirements. Driver training also includes behind-the-wheel instruction, route familiarization, and performance

evaluations conducted under the supervision of training staff members and experienced drivers. Employees are not allowed to independently perform safety-sensitive duties (e.g., operating a vehicle or performing vehicle maintenance) until they demonstrate adequate knowledge of and proficiency in those duties.

De-escalation Training

MeVa's *Public Transportation Agency Safety Plan* requires employees whose roles involve direct interaction with the public to complete de-escalation training as part of their onboarding curriculum. Completion of this training is documented in their personnel file. Employees required to complete this training include drivers, supervisors, dispatchers, reservationists, and customer service employees. This de-escalation training is intended to equip employees with the skills needed to effectively manage conflicts, particularly in situations that may pose an increased risk of confrontations or assaults, and provide a safer environment for both employees and passengers. According to MeVa officials, de-escalation training was first provided to employees in July 2023. After that, it was incorporated into the standard training process for newly hired employees.

Refresher Training

To reinforce safety practices, MeVa's *Public Transportation Agency Safety Plan* requires refresher trainings to be provided quarterly, and as needed throughout the year, based on specific safety issues that arise. Employees of MeVa's contracted operating companies who attend safety refresher trainings sign an attendance log at each safety refresher training session.

Drivers may also receive refresher training as part of the process of returning to work following long-term leave or suspension, or following preventable accidents (see the "Disciplinary Retraining" section below for more information). These refresher trainings are offered both as personalized trainings tailored to employees' needs and as generalized, preventative trainings based on operational needs and safety concerns.

Disciplinary Retraining

The "Progressive Discipline Policy" for both MVATC and STS requires employees to be retrained when they are involved in a preventable accident. Under this policy, a preventable accident is defined as

one in which the driver did not do everything reasonable to prevent the accident. The Safety Review Committee⁴ determines whether an accident was considered preventable.

The table below details retraining requirements based on the number of preventable accidents an employee is involved in within a one-year period.

Table 3. Retraining Requirements Following Preventable Accidents

Occurrence	Disciplinary Action	Retraining Requirement
1	Written warning	1 hour
2	One-day suspension	2 hours
3	Five-day suspension	8 hours
4	Termination	N/A

4. The Safety Review Committee is made up of MVATC’s chief safety officer, two operations supervisors, and two bus drivers. The role of the Safety Review Committee is to identify safety deficiencies and appropriate mitigation strategies to reduce safety risks.

AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor has conducted a performance audit of certain activities of Merrimack Valley Transit (MeVa) for the period July 1, 2022 through June 30, 2024.

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.

Below is a list of our audit objectives, indicating each question we intended our audit to answer; the conclusion we reached regarding each objective; and, if applicable, where each objective is discussed in the audit findings.

Objective	Conclusion
1. Did MeVa ensure that employees of its contracted operating companies received required safety trainings in accordance with Section 673.29(a)(1) of Title 49 of the Code of Federal Regulations (CFR), MeVa’s <i>Public Transportation Agency Safety Plan</i> , and the “Progressive Discipline Policy” for each of MeVa’s contracted operating companies?	No; see Finding 1
2. Did MeVa take corrective action to address the issue identified in our prior audit (Audit No. 2022-0496-3A) regarding Americans with Disabilities Act (ADA) paratransit complaints?	No; see Finding 2 and Other Matters 1

To accomplish our audit objectives, we gained an understanding of the internal control environment relevant to our objectives by reviewing applicable policies and procedures and by interviewing MeVa staff members, management, and contracted operating company employees. In addition, to obtain sufficient, appropriate evidence to address our audit objectives, we performed the procedures described below.

Safety Trainings

To determine whether MeVa ensured that employees of its contracted operating companies received required safety trainings in accordance with 49 CFR 673.29(a)(1), MeVa’s *Public Transportation Agency Safety Plan*, and the “Progressive Discipline Policy” for each of MeVa’s contracted operating companies, we took the following actions:

- We obtained, from MeVa’s chief compliance officer, a list of 160 employees who were employed by MeVa’s two contracted operating companies during the audit period. From this list, we identified 45 employees who were hired during the audit period and were required to complete newly hired employee safety training. We selected a judgmental⁵ sample of 10 out of the 45 newly hired employees of MeVa’s contracted operating companies.
- We inspected training attendance logs to determine whether each of the 10 sampled newly hired employees of MeVa’s contracted operating companies completed newly hired employee safety training as part of their onboarding, in accordance with MeVa’s *Public Transportation Agency Safety Plan*.
- We inspected training attendance logs to determine whether the contracted operating companies provided quarterly safety refresher trainings, in accordance with MeVa’s *Public Transportation Agency Safety Plan*.
- From the list of 160 employees who were employed by MeVa’s two contracted operating companies during the audit period, we identified 135 employees who were required to complete de-escalation training. We grouped these employees into two categories: 122 employees who were hired before July 2023—when MeVa first implemented de-escalation training—and 13 employees who were hired after July 2023 and were required to complete de-escalation training as part of their onboarding. We reviewed training attendance logs to determine whether all 135 of these employees completed de-escalation training in accordance with MeVa’s *Public Transportation Agency Safety Plan*.
- We obtained 158 discipline log entries from MeVa and filtered the data to identify 47 disciplinary violations that were related to preventable accidents. We reviewed all 47 discipline log entries to identify 31 employees of MeVa’s contracted operating companies who had been in documented preventable accidents that prompted retraining during the audit period. MeVa was unable to provide sufficient evidence to demonstrate that any of these 31 employees of MeVa’s contracted operating companies completed the required retrainings.

We used judgmental sampling methods for testing and, therefore, did not project the results of our testing to any population.

For this objective, we found certain issues during our testing regarding employees of MeVa’s contracted operating companies not completing required safety trainings. See [Finding 1](#) for information.

5. Auditors use judgmental sampling to select items for audit testing when a population is very small, the population items are not similar enough, or there are specific items in the population that the auditors determine are appropriate to review. Auditors use their knowledge and judgment to select the most appropriate sample. For example, an auditor might select items from areas of high risk. The results of testing using judgmental sampling cannot be used to make conclusions or projections about entire populations; however, they can be used to identify specific issues, risks, or weaknesses.

ADA Paratransit Complaints

To determine whether MeVa took corrective action to address the issue identified in our prior audit (Audit No. 2022-0496-3A) regarding ADA paratransit complaints, we reviewed the Incident/Complaint forms for all 10 ADA paratransit complaints that MeVa received during this audit period. We then determined whether MeVa acknowledged the complaints within 24 hours, reviewed and investigated the complaints, and responded to the complainants to notify them of the complaint outcomes.

For this objective, we found certain issues during our testing regarding MeVa's ADA paratransit complaint process. See [Finding 2](#) for more information.

Data Reliability Assessment

To assess the reliability of the employee list from MeVa's two operating companies contracted during the audit period, we tested the data to ensure that it did not contain certain dataset issues (i.e., duplicate records, blank fields, hidden rows or columns, and dates outside the audit period). We selected a random sample of 20 employees from the list and verified their names and employment dates against hardcopy personnel files to ensure accuracy. We also randomly selected 20 hardcopy personnel files and traced the employee names back to the list to confirm completeness.

To assess the reliability of MeVa's contracted operating companies' disciplinary logs, we tested the data to ensure that it did not contain certain dataset issues (i.e., duplicate records, blank fields, hidden rows or columns, and data corresponding to dates outside the audit period). Additionally, we selected a random sample of 20 log entries and compared the names of the employees of MeVa's contracted operating companies, and the dates of the disciplinary actions taken, to the written warnings in personnel files to ensure accuracy. We also selected a random sample of 20 written warnings from personnel files and traced the employee names and dates of the disciplinary actions taken to the disciplinary log to confirm completeness.

We originally obtained complaint logs from MeVa's contracted operating companies for the audit period. Our review of these logs found that key information was not consistently documented. In some instances, the logs lacked details regarding the nature of the complaint, its validity, the outcome, and whether the complaint was related to ADA-required paratransit. As a result of these inconsistencies, we requested all hardcopy Incident/Complaint forms filed with MeVa during the audit period to obtain more information. In response, MeVa provided 222 hardcopy Incident/Complaint forms for our review. Based on the information recorded

in the forms, MeVa's contracted operating companies identified 10 of the 222 MeVa rider complaints as ADA paratransit complaints. Our review of these 222 Incident/Complaint forms identified limitations in the completeness and consistency of complaint documentation, which are disclosed in Other Matters 1.

As a follow-up to the findings of our prior audit (2022-0496-3A), we reviewed select information systems controls, including security training, personnel screening, unsuccessful login attempt limits, session lock, account management, configuration management policies, configuration change monitoring, and segregation of duties. Our review of these controls found limitations with MeVa's account management controls, which are disclosed in Other Matters 2.

Based on the results of the data reliability assessment procedures described above, we determined that the information we obtained during the course of our audit was sufficiently reliable for the purposes of our audit.

DETAILED AUDIT FINDINGS WITH AUDITEE'S RESPONSE

1. Merrimack Valley Transit did not ensure that employees of its contracted operating companies completed required newly hired employee safety training or de-escalation training.

Merrimack Valley Transit (MeVa) did not ensure that employees of its contracted operating companies completed required newly hired employee safety training or de-escalation training. Specifically, we identified the following issues:

- For required newly hired employee safety training during onboarding, MeVa could not demonstrate that any of the 10 sampled newly hired employees of MeVa's contracted operating companies had completed all required safety trainings that were applicable to their positions. In some instances, MeVa provided us with signed acknowledgments of receipt of employee handbooks and other company policies; however, these documents do not demonstrate that employees completed all the required safety trainings relevant to their roles.
- For quarterly safety refresher trainings, MeVa could not demonstrate that any training was provided for six out of the eight quarters in the audit period.
- For de-escalation training, MeVa could not demonstrate that 21 out of the 122 employees of its contracted operating companies who were hired before July 2023 had completed the initial de-escalation training. In addition, MeVa could not demonstrate that any of the 13 employees who were hired after July 2023 had completed de-escalation training during onboarding.

Additionally, we reviewed discipline log entries maintained by MeVa's contracted operating companies for the audit period and identified 31 employees who had documented preventable accidents that required them to complete retraining in accordance with the "Progressive Discipline Policy" for each of MeVa's contracted operating companies. However, MeVa could not demonstrate that any of these 31 employees completed the required retraining. MeVa provided a spreadsheet that listed post-accident retraining dates for some of the sampled employees. However, this documentation does not demonstrate that the required retraining was actually completed.

A lack of training could jeopardize the safety of riders and the general public. It also increases the risk to MeVa's safety and operations, putting employees of MeVa's contracted operating companies at risk because they are sent into the field without being fully equipped to perform their jobs safely and effectively.

Authoritative Guidance

According to Section 673.29(a)(1) of Title 49 of the Code of Federal Regulations (CFR),

A transit agency must establish and implement a comprehensive safety training program that includes de-escalation training, safety concern identification and reporting training, and refresher training for all operations transit workers and transit workers directly responsible for safety in the transit agency's public transportation system. The training program must include refresher training, as necessary.

According to MeVa's Public Transportation Agency Safety Plan,

Quarterly refresher training is provided. Bus and van vehicle operator retraining for recertification or return to work is provided. Retraining is also administered for the drivers after preventable accidents. The length and type training depend on the nature of the accident and how many accidents the employee has had previously. General refresher training is also administered throughout the year based on specific safety issues that have arisen.

According to Merrimack Valley Area Transportation Company's (MVATC's) "Progressive Discipline Policy,"

Operators will be subject to disciplinary action, up to and including discharge, for accidents which are judged to be preventable. The following is the process for administering progressive discipline for preventable accidents occurring within a twelve (12) month rolling period:

- *1st Occurrence—written warning with a minimum of one (1) hour of paid retraining for cause of accident.*
- *2nd Occurrence—1 day working suspension with a minimum of two (2) hours paid retraining for cause of accident.*
- *3rd Occurrence—5 day suspension without pay and final warning, with eight (8) paid hours of overall bus operator retraining.*
- *4th Occurrence—Discharge.*

According to Special Transportation Services' (STS's) "Progressive Discipline Policy," the progressive discipline process is the same for preventable accidents, but it applies to preventable accidents that occur within a rolling 24-month period.

Reasons for Issue

MeVa did not have sufficient policies and procedures, including a monitoring component, to ensure that employees of MeVa's contracted operating companies completed required safety trainings or that the contracted operating companies retained, for each employee, a record of their training assignment and completion. According to MeVa officials, the MVATC assistant general manager during the audit period

did not want individual sign-in sheets to be included in employee files for post-accident retraining because he believed it could lead to a union grievance. This approach changed under the new MVATC general manager hired after the audit period.

Recommendations

1. MeVa should develop, document, and implement sufficient policies and procedures, including a monitoring component, to ensure that employees of its contracted operating companies complete required safety trainings. This should include newly hired employee safety training, quarterly refresher trainings, de-escalation training, and any required retraining resulting from documented preventable accidents.
2. MeVa should ensure that it retains records of training assignments and completions for all employees of its contracted operating companies.

Auditee's Response

In regards to training, the snapshot in time ([fiscal year 2023 and fiscal year 2024]) does not reflect current practices. Both the General Manager (GM) and Assistant General Manager (AGM) during the review period, who are essential to the success of proper employee file documentation, were replaced in July 2024 ([fiscal year 2025]). New policies and procedures for training were put into place during late [fiscal year 2024] and [fiscal year 2025] to ensure better documentation, and verifiable proof that the trainings took place. The lack of documentation, although giving the appearance that the trainings did not take place, does not mean that the trainings actually did not take place. The importance of this documentation was expressed to the Training Officers and the new Operations Management Team in 2024 and practices to rectify [the issues] were established. . . .

MeVa has put the training monitoring activities into a policy to document actions that have been implemented since [fiscal year 2025]. MVATC has already implemented documentation that would be accepted as attendance evidence since meeting with the audit staff this past year. Review of this documentation will be part of the monitoring activities.

Auditor's Reply

We acknowledge that the audit review period may not reflect MeVa's current practices or any updates made since then, including changes in management and training procedures. However, without proper documentation, we cannot confirm that the required training took place during the audit period. Without adequate supporting documentation, such as training sign-in sheets or certificates of completion, there is inadequate assurance that all applicable employees completed the required trainings. Proper documentation is a fundamental internal control to demonstrate compliance with training requirements and to provide verifiable proof that trainings were delivered and completed. As part of our post-audit review process, we will follow up on this matter in approximately six months.

2. Merrimack Valley Transit did not resolve previously identified issues regarding processing Americans with Disabilities Act paratransit complaints.

MeVa did not follow required procedures for processing Americans with Disabilities Act (ADA) paratransit complaints. Specifically, MeVa's contracted operating companies did not always send acknowledgments to complainants within 24 hours of the complaint and did not always document complaint outcomes. This issue was also identified during our previous audit (Audit No. 2022-0496-3A) and has not been resolved.

We examined the 10 ADA paratransit complaints that MeVa received during the audit period and noted the following issues:

- Four (40%) out of the 10 complaints had acknowledgments that were sent to the complainants after the allowed 24-hour timeframe, with delays as long as 18 days.
- One (10%) out of the 10 complaints did not have a documented follow-up response to the complainant.

By continuing to not follow the required procedures for its ADA paratransit complaint process, MeVa may not resolve significant issues regarding its transportation services in a timely manner or at all. This could have a negative impact on the quality of services that MeVa provides to its ADA-required paratransit riders.

Authoritative Guidance

According to 49 CFR 27.13(b)(3), "The recipient [of the complaint] must promptly communicate its response to the complaint allegations, including its reasons for the response, to the complainant by a means that will result in documentation."

Additionally, according to MeVa's "MVATC/STS Customer Complaint Procedures,"

Upon receiving the complaint, and if a phone number has been provided, the Office Coordinator will contact the customer as soon as possible (but within 24 hours) to let him/her know that the complaint was received by the appropriate department manager, is in the process of being investigated, and that appropriate actions will be taken to correct the problem. The log number is given to the complainant. If an email address has been provided instead of a phone number, the above information will be forwarded by email. If only a home address has been provided, a letter with the above information will be prepared and sent. Details of this contact must be logged at the bottom of the complaint form. The Office Coordinator will send an email to the [assistant general manager] confirming that initial contact has been made.

Reasons for Issue

MeVa does not have sufficient monitoring controls in place to ensure that its contracted operating companies acknowledge all ADA paratransit complaints within 24 hours and consistently document complaint follow-up actions and outcomes. MeVa also did not implement the recommendations from our prior audit to resolve this issue.

Recommendation

MeVa should implement monitoring controls to ensure that its contracted operating companies acknowledge ADA paratransit complaints within 24 hours, resolve complaints, and consistently document any follow-up actions and outcomes.

Auditee's Response

In regards to the "ADA paratransit complaints," the same comments about the [General Manager and Assistant General Manager] apply. This audit did show that some of the steps in regards to completing documentation were still not fully implemented and new stricter policies are being implemented now. . . .

MeVa has been monitoring our Paratransit Operations quarterly for quite some time, which includes complaints. MeVa has recently, separate from this audit, determined that the review of the complaints was insufficient and has taken steps to deepen the review. This in-depth review would have caught the mistakes and inconsistencies mentioned in Other Matters #1. Issues with 4 out of 10 complaints shows that improvements were made over the past review. MeVa Administration will also ask the Operations Management team for a weekly report of all complaints made so that timeliness is not an issue that remains.

Auditor's Reply

We are pleased to see that MeVa is taking steps to strengthen its review of ADA paratransit complaints, including plans to implement more frequent reporting and a deeper review process. However, we note that more corrective actions are necessary following both our prior audit and this current audit.

In its response, MeVa states that issues in 4 out of 10 complaints reflect improvement since our prior audit. While we recognize progress being made, the continued occurrence of the same issues over multiple audit cycles indicates that the underlying issues have not yet been fully addressed.

We encourage MeVa to continue taking steps to improve by implementing our recommendations. As part of our post-audit review process, we will follow up on this matter in approximately six months.

OTHER MATTERS

1. Merrimack Valley Transit did not ensure that customer complaints were properly recorded and monitored.

At the beginning of our audit work, we reviewed Merrimack Valley Transit's (MeVa's) customer complaint process and the records for all 222 customer complaints submitted during the audit period to identify those that were Americans with Disabilities Act (ADA) paratransit complaints. As part of this review, we found several issues with how MeVa records and monitors its customer complaints. While our audit objective focused only on ADA paratransit complaints, the issues we identified during our review of MeVa's customer complaint process point to broader weaknesses. Specifically, our review of the 222 hardcopy Incident/Complaint forms showed the following issues:

- Of these 222 complaints, 72 (32%) were recorded using an outdated Incident/Complaint form that did not include fields to identify whether the complaint was an ADA paratransit complaint.
- Of these 222 complaints, 15 (7%) had blank fields for the ADA or non-ADA indicators.
- Of these 222 complaints, 121 (55%) did not include evidence of supervisory review.
- Of these 222 complaints, 42 (19%) did not include the date of MeVa's response.
- Of these 222 complaints, 116 (52%) did not include a validity determination by the reviewer (i.e., Valid, Not Valid, or Undetermined).

Incomplete complaint documentation reduces MeVa's ability to effectively track, monitor, and evaluate complaint outcome activities. This increases the risk that complaints may not be addressed in a timely or appropriate manner. This may result in delayed corrective action or diminished public trust.

According to MeVa's "[Merrimack Valley Area Transportation Company (MVATC)]/[Special Transportation Services (STS)] Customer Complaint Procedures,"

All complaints are recorded using the MVATC/STS Incident/Complaint form. . . .

The person at the front desk or reservationist then prints the completed complaint form and places it in the MVATC or STS Complaint Log Book (3-ring binder). The complaint form is then emailed to the Assistant General Manager (AGM), or other manager designated by the AGM as responsible for obtaining and viewing video, and [carbon copied] to the General Manager. . . .

Upon receiving the complaint, and if a phone number has been provided, the Office Coordinator will contact the customer as soon as possible (but within 24 hours) to let him/her know that the complaint was received by the appropriate department manager, is in the process of being

investigated, and that appropriate actions will be taken to correct the problem. The log number is given to the complainant. . . .

The Office Coordinator views the surveillance video of the incident and archives the video. The complaint is marked as Valid, Not Valid, or Undetermined and notes about the incident are added to the form. The complaint form is then saved to the shared drive. . . .

At the end of each month, the AGM prints out the fully-completed complaint forms and places them in the MVATC Complaint Log Book.

We determined that MeVa management has not implemented effective monitoring controls to ensure that complaint forms are completed and reviewed after they are filed. Additionally, older versions of the Incident/Complaint form remain in circulation, and employees may not have received adequate guidance or oversight regarding documentation standards.

We recommend that MeVa take the following actions to improve its complaint intake process:

1. MeVa should update its complaint management policies and procedures to clearly define documentation requirements, segregation of duties, and reviewers' responsibilities.
2. MeVa should ensure that it only uses the most current version of the Incident/Complaint form.
3. MeVa should implement a quality control process to verify that each Incident/Complaint form is complete, such as ensuring that each form includes the reviewer's initials and the date of the outcome determination.
4. MeVa should ensure that responsible employees complete monthly complaint logs.
5. MeVa should provide training to its employees and contractors when procedures and documentation standards are updated.
6. MeVa should establish periodic monitoring of its complaint intake process to ensure continued compliance with complaint documentation requirements.

2. Merrimack Valley Transit has not developed policies or procedures to monitor the creation and maintenance of its information system user accounts.

MeVa has still not established an account management policy, nor has it implemented adequate access controls over the use of its information systems, as we recommended in our prior audit (Audit No. 2022-0496-3A). Specifically, we noted the following:

- MeVa does not maintain records to support user account creation, modification, review, or removal.

- MeVa does not perform periodic reviews of user access privileges.

Without a documented account management policy and adequate access controls, MeVa faces an increased risk that employees or contractors could have access to systems and information that they do not need. Accounts may remain active after an employee leaves or changes roles, and access levels may not reflect current job responsibilities. Additionally, the lack of periodic access reviews increases the likelihood that excessive or outdated privileges may go undetected. These weaknesses heighten the risk of data breaches, system misuse, accidental data alteration or deletion, or disruption of critical operations.

The Commonwealth's Executive Office of Technology Services and Security's Enterprise Access Management Policy IS.003 establishes the minimum requirements that should be in place to grant, manage, and revoke access to system user accounts. As a best practice, MeVa should follow the Executive Office of Technology Services and Security's Enterprise Access Management Policy IS.003, which the Massachusetts Department of Transportation is required to follow. This policy states,

- 6.1.3. Access to information assets must be controlled through a defined process, which includes a periodic review of information system privileges. . . .*
- 6.1.10. Annual review: Managers will review the user access of their direct reports to applications and/or technology infrastructure, on an annual basis, to ensure each user's access is appropriate to perform the user's job responsibilities. . . .*
- 6.2.1. Commonwealth Agencies and Offices must establish a documented procedure to grant access to the Commonwealth's information assets for new hires.*
- 6.2.2. Commonwealth Agencies and Offices must establish a documented procedure to grant and/or revoke access in the event of a role change.*
- 6.2.3. All access requests for both new hires and role changes must be recorded (paper or tool-based) and include both a business justification and management approval.*

We strongly recommend that MeVa develop and implement a documented account management policy that defines procedures for creating, modifying, reviewing, and removing user accounts. MeVa should maintain documentation of all account activities and perform periodic reviews, at least annually, of user access privileges to ensure that employees and contractors only have the proper permissions necessary for their current roles.

Auditee's Response

MVATC during the review period only had a 1 person [Information Technology] Department. The matter was a recommendation in the last audit, as it is a recommendation now. However, MeVa Compliance agrees with the need to implement these practices, as well as other best practices not mentioned, now that we have two people with access to user management privileges. A number of policies are already being created and implemented now.

Auditor's Reply

Based on its response, MeVa is taking measures to address our concerns regarding this matter. As part of our post-audit review process, we will follow up on this matter in approximately six months.