



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
HARRISBURG, PENNSYLVANIA 17120

November 25, 2024

Timothy L. DeFoor, Auditor General
Department of the Auditor General
613 North St Room 229
Harrisburg, PA 17120

Dear Auditor General DeFoor:

Enclosed is the status update on the findings from the Department of the Auditor General's performance audit of the Pennsylvania Department of Transportation. The enclosures include the Auditee Reporting Form and a spreadsheet summarizing the status of each finding.

Should you have any questions or require additional information please contact Kristin Langer, P.E., Director for the Bureau of Bridge, at 717.787.7506.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael B. Carroll".

Michael B. Carroll
Secretary of Transportation

Enclosures



**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA DEPARTMENT OF THE AUDITOR GENERAL**

Act 44 Auditee Reporting Form

The Department of the Auditor General provides this form for every department, board, and commission and every school district to report its adoption of the Department’s recommendations in its most recent audit pursuant to Act 44 of 2017 amendments to The Fiscal Code regarding Auditee reporting requirements and the Department’s STATEMENT OF POLICY and FORM in 4 Pa. Code Part XIV published in the Pennsylvania Bulletin on February 10, 2018.

Within **120 business days** of the publication of the audit, every department, board, and commission (Auditee) that receives recommendations in its audit must submit a response to the Department including the following:

Details of the Auditee’s adoption of the Department’s recommendations, or the reason why recommendations have not been adopted (add attachments as necessary).

The attached document titled “PennDOT responses” outlines actions taken (or presently in process but incomplete) in response to the recommendations provided in the Auditor General’s Bridge Inspection Program Audit. In the file, PennDOT has provided commentary on each finding and recommendation and what actions have been or will be performed. The file also contains a status on each action to be performed.

Note: Pursuant to Section 1.5 of Act 44, if the Auditee fails to respond to the Department’s recommendations within **120 business days**, the Department will notify the Governor and the Chairpersons and Minority Chairpersons of the Appropriations Committees of the Senate and the

House of Representatives, which may consider an Auditee's failure to respond to the Department's audit when determining the Auditee's future appropriations.

Finding 1	PennDOT response
PennDOT has an Inspection process for State-Owned Bridges with an overall condition rating of poor that includes more stringent requirements than the National Bridge Inspection Standards	Agree. It is worth noting, our inspection process covers all NBIS length bridges regardless of owner or condition.

Finding 2	PennDOT response
Certain PennDOT District staff assigned the responsibility of a bridge inspection team leader did not meet the minimum requirements and PennDOT lacked documentation to support consultants assigned as team leaders met minimum requirements	Agree with this finding but would like to note that this area of need was previously identified by PennDOT independent of this audit and resulted in updates to BMS2 described below prior to the Audit Report.

	Finding 2 Recommendations:	PennDOT response	Status
Finding 2	Ensure only PennDOT employees that meet the minimum requirements of a team leader are listed in BMS2 as eligible for selection as an inspection team leader.	PennDOT has implemented a certification screen within BMS2 for all users to enter qualifications for team leader status. These qualifications limit the team leader list within BMS2 for bridge inspections to only those with the proper certifications and experience. PennDOT's Bridge Inspection QA program randomly selects team leaders each year to provide specific documentation for bridge inspection experience and training certifications.	Complete
Finding 2	Ensure district PennDOT management are aware of and comply with both PennDOT and federal qualification requirements when assigning team leaders to bridge inspections.	PennDOT outlines team leader qualifications in our Publication 238, Bridge Safety Inspection Manual in the following sections: IP 2.1.3, IP 2.3. PennDOT will highlight this specific information to the Districts during upcoming District Bridge Engineer meetings in 2024.	Complete, Presentation was given at summer DBE meeting
Finding 2	Obtain documentation to support consultants assigned to the team leader position possess the minimum requirements.	PennDOT has implemented a certification screen within BMS2 for all users to enter qualifications for team leader status. These qualifications limit the team leader list within BMS2 for bridge inspections to only those with the proper certifications and experience. PennDOT's Bridge Inspection QA program randomly selects team leaders each year to provide specific documentation for bridge inspection experience and training certifications. Additionally, each inspector is now assigned an Inspector ID number which will follow them from employer to employer if they happen to move positions. This will ensure PennDOT has up to date information on how to contact individuals for their bridge inspection experience and training certifications.	Complete, All processes are in place

Finding 3	PennDOT response
<p>PennDOT Management did not ensure inspection documentation was properly prepared and/or maintained which led to inconsistencies between inspection reports.</p> <p>Bridge Inspection Report Contents</p> <p>Scour Plan of Action</p> <p>Inspection Report QC Verification Checklist</p>	<p>Agree, with the idea that there are some inconsistencies between PennDOT and consultant inspection reports; however, disagree with concept that consultant and Department inspectors are producing different inspection data. All data entered into BMS2 is consistent whether it is done by a Department or Consultant inspector. Agree that past district practice was inconsistent as to what type of inspections require a formal inspection report and what gets included in the inspection report, but will again note that the background information is all in BMS2 regardless of what the final report looks like. Agree that in the past, scour plan of actions sometimes did not get included when required.</p>

	Finding 3 Recommendations:	PennDOT response	Status
Finding 3	Amend PennDOT policy to require not only consultant inspectors but also PennDOT inspectors to adhere to the inspection report requirements outlined in the scope of work.	While the information entered into BMS2 is what is most critical to an inspection, PennDOT is going to revisit Publication 238 and revise language as needed for what is to be included in an inspection report for both PennDOT and consultant inspections. The Scope of Work (SOW) is language in a legal agreement between PennDOT and a hired consultant. PENNDOT does NOT have nor does it need a legal agreement with its own staff. Therefore, the SOW does NOT affect inhouse inspections. PennDOT will leverage the inspection report generator within BMS2 that was implemented in December 2020 to reduce the effort required to create a new inspection report for each inspection and establish the minimum required components of an inspection report.	<p>Incomplete, Revisions will be incorporated into next Pub 238 release in December 2024</p>
Finding 3	Ensure all inspection reports, whether completed by PennDOT or consultant inspectors, follow the scope of work.	See answer to Finding 3 Recommendation 1 above.	
Finding 3	Limit the approval of scope modifications for deliverables required in the scope of work in PennDOT policy to avoid inconsistencies between inspections performed by consultants throughout PennDOT's 11 districts.	See answer to Finding 3 Recommendation 1 above.	
Finding 3	Determine if the D-491 forms, required according to PennDOT policy, are needed as part of the current inspection documentation process, and if so, ensure districts are instructed to prepare them. If it is determined that they are no longer necessary, amend PennDOT policy to remove the requirement of the forms.	See answer to Finding 3 Recommendation 1 above.	

Finding 3	Update PennDOT policy to require the Inspection Report Quality Control Verification Checklist to be completed and maintained within the BMS2 system.	PennDOT does not agree that the QC checklist form needs to be filled out on every inspection. By submitting an inspection, inspectors are already verifying that all items on the QC checklist were completed. Including a filled out QC document is just an extra unnecessary step of something the inspector is already ensuring when submitting the inspection report. Pub 238 Part IP 6.2.2 states requirements for team leaders which includes the language, "As part of this review, team leaders are to ensure that all items listed in the Inspection Report Quality Control Verification Checklist in Appendix IP 06-A are addressed prior to submittal of the report."	Complete, No action was needed
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Finding 4	PennDOT Management failed to ensure critical and priority maintenance item notifications were provided, or provided timely, and to the appropriate staff, and related plan of actions were properly and consistently prepared.	PennDOT response Disagree that timely notice was not provided. Instead, documentation of notice was lacking in certain instances and we will highlight the need to document conversations for an auditable trail of documents; however, we have no basis to agree with the finding that critical needs were not timely communicated. Most of these correspondences take place via phone call from the field to the district and an official email notification is drafted afterwards. Notification is always occurring on time, just not written notification. In the instances referenced, the maintenance items were acted on in a timely fashion that met our policy.
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	Finding 4 Recommendations:	PennDOT response	Status
Finding 4	Ensure both PennDOT and consultant inspectors are aware of and comply with PennDOT policy to provide immediate and written notification within 24 hours to the appropriate district staff pertaining to Priority 0 and Priority 1 maintenance items.	Most of these correspondences take place via phone call from the field to the district and an official email notification is drafted afterwards. PennDOT will provide clarification in Pub 238 that verbal communication is acceptable as long as the verbal communication is documented as having occurred.	Incomplete, Revisions will be incorporated into next Pub 238 release in December 2024
Finding 4	Ensure that a Plan of Action is developed, and that timely corrective action is taken to remediate issues identified for all Priority 0 and Priority 1 maintenance items found in bridge inspections.	PennDOT will revisit the Plan of Action policy in Pub 238. PennDOT will utilize the proposed maintenance screen in BMS2 to capture the information required for a Plan of Action. PennDOT runs Priority 0 and Priority 1 reports bimonthly and the Statewide Maintenance Manager follows up with Districts on newly identified Priority 0 maintenance items. Users can also receive email notifications on newly identified and outstanding Priority 0 and Priority 1 maintenance items.	Incomplete, Revisions will be incorporated into next Pub 238 release in December 2024
Finding 4	Implement recommendations made by consultant inspectors or document, in detail, the reasons and approval by PennDOT management when they do not implement a consultant's recommendation.	PennDOT will work with the Districts to ensure that documentation of decisions is better tracked through inspection reports and the proposed maintenance screen notes in BMS2.	Complete, Presentations/training/QA is currently stressing proper documentation for inspection reports
Finding 4	Consider requiring all districts to utilize a formal POA letter containing all the required components, including estimate costs, to ensure all critical and high priority maintenance deficiencies are documented and tracked effectively.	PennDOT is currently working on the software update to BMS2, which will include updates to ensure that system functionality is robust to replace some of the manual work mentioned throughout these findings. Currently, we do not have a formal letter, but we meticulously track these items in the system as they are a federal requirement. Do not agree that a formal letter is required, Proposed Maintenance screen should be used to track the POA information. We will update language in Pub 238 to reflect this.	Incomplete, BMS3 will be fully released in 3rd quarter 2025. Revisions will be incorporated into next Pub 238 release in December 2024

Finding 5		PennDOT response	
Bridge Inspection Reports were not approve/accepted in the BMS2 system timely and by the authorized PennDOT employees.		New federal requirements as to timeliness render this finding moot, as we have already modified processes. Rather than running monthly reports and following-up, system functionality will include new federal requirements.	
	Finding 5 Recommendations:	PennDOT response	Status
Finding 5	Implement additional procedures to follow-up on inspection reports that are nearing the 90-day acceptance requirement to ensure they are accepted within the required timeframe.	PennDOT has historically sent out a non-accepted inspection report on a monthly basis to notify the Districts which bridges have outstanding inspections that need accepted. PennDOT has updated this report to reflect the new inspection times outlined in the new federal NBIS. The report specifies which date each inspection must be accepted by and how many days have elapsed since it was originally created.	Complete, New report has been implemented since June 2024
Finding 5	Ensure all PennDOT district staff are aware of and comply with the mandated time requirements for accepting inspection reports.	In addition to the non-accepted inspection report mentioned above, PennDOT has routinely brought up the mandated time requirements for inspection acceptance at District Bridge Engineers meetings. PennDOT also plans to implement a workflow process in its new BMS3 system (currently in development) where users will have a workflow to identify what tasks are assigned to them, such as accepting certain inspections.	Incomplete, BMS3 will be fully released in 3rd quarter 2025 and will include the workflow process. Will be creating a new HAPD Metric for this to hold District in compliance.
Finding 5	Continue to work with OA to amend the team leader job position minimum qualifications to ensure they meet the federal requirements of a team leader.	PennDOT will continue to work with OA as this will help with hiring state bridge inspector positions.	Incomplete, met w/ BOOM on 9/11 & internally on 10/2. Met w/ BOOM on 11/12.
Finding 5	Continue to work with railroad staff to provide railroad flaggers necessary to timely complete all applicable bridge inspections.	Railroad flagging is a challenging part of inspection and construction. PennDOT has proposed a new program to FHWA through which flagging workers will be trained to ensure that there are an adequate number of flaggers available to resolve some of these challenges.	Complete, PennDOT has implemented better documentation of RR flagging issues to provide to FHWA
Finding 5	Instruct the individuals that have been identified as the appropriate person for reviewing and approving inspection reports for bridge with overall condition ratings of 4 or less to perform the procedure of accepting inspection reports in the BMS2 system.	Guidance in our Pub 238 is clearly laid out for the Districts. We will bring this to their attention at the upcoming District Bridge Engineers meetings in 2024. This will also be addressed by a new workflow process in the new BMS3 system to ensure that the guidance must be followed. BIS will audit the districts annually to ensure the policy is being followed.	Incomplete, BMS3 will be fully released in 3rd quarter 2025 and will include the workflow process.
Finding 5	Update the BMS2 system to ensure that only PennDOT staff authorized by policy have the ability to approve/accept inspection reports.	The new BMS3 workflow process will ensure that only PennDOT staff authorized by policy have the ability to approve/accept inspection reports.	QA program will include Pub 238 Chapter 6 requirements as a metric to measure the districts on.
Finding 5	Update the BMS2 system to ensure appropriate staff, such as DBE, automatically receive important reports, such as a list of bridges identified as being in poor condition, rather than staff having to request they be included in the distribution of reports.	PennDOT is implementing a workflow process in BMS3, the replacement for BMS2, to address this issue.	

Finding 6		PennDOT response	
PennDOT Districts were generally in compliance with inspection requirements specific to bridges with the lowest condition ratings; however, management in one district did not prepare a required bridge problem report regarding the closure of		Agree; however, the limited impact of not creating a bridge problem report (BPR) should be noted. This is simply a notification piece of the process and not involved at all in the actual act of closing the bridge which impacts public safety.	
	Finding 6 Recommendations:	PennDOT response	Status
Finding 6	Prepare BPR's for all bridge emergencies identified, as required by policy.	PennDOT will ensure that Bridge Problem Reports are created per our policy. PennDOT Central Office monitors BMS2 email Notifications on bridge closures to make sure BPR's are created.	Complete
Finding 6	Continue to evaluate and prioritize bridges for rehabilitation or replacement.	PennDOT will continue to evaluate and prioritize bridges for rehabilitation or replacement based on lowest lifecycle cost and utilizing BridgeCare software for planning bridge projects. BridgeCare is a system developed and managed by PennDOT's asset management section for use by the Districts when planning bridge projects. It is part of PennDOT's overarching Transportation Asset Management Plan required to be completed by FHWA. Those recommendations will be entered into the overall TIP process which involves the planning organizations (MPOs and RPOs) to ultimately determine projects.	Complete
Finding 7		PennDOT response	
PennDOT disregarded a bridge inspection consultant's recommendations to close a bridge in district 6 until additional analysis could be performed.		Disagree. District 6 provided additional details (email added to the RFI #53 folder on 6/7/2024) as to the course of events that took place from 3/14/22 through 7/21/2022. They did not disregard a recommendation of closure, but rather followed the recommendation to further analyze the bridge for any changes in posting. The District took in all the information for evaluation, had a meeting with the inspection consultant, and decided on an appropriate course of action. It is our determination that consultant recommendations were followed and a plan was developed with heavy input from the consultant inspectors.	
	Finding 7 Recommendations:	PennDOT response	Status
Finding 7	Exercise additional caution and not discount recommendations by consultants conducting the bridge inspections, in particular, recommendations made regarding closing a bridge.	We disagree with the finding and insist that PennDOT does not disregard consultant inspector recommendations to close bridges. We will continue to ensure that closure recommendations are always given serious thought and implemented quickly.	Complete
Finding 7	Document in detail the reasoning and approval in cases where a consultant's recommendations are not followed.	We agree that better documentation of the course of events was needed here and will provide guidance to districts through annual training courses and District Bridge Engineers meetings that this information is valuable to include in a report, especially when closure or priority maintenance items are taken into account.	Complete, Presentations/training/QA is currently stressing proper documentation for inspection reports
Finding 7	Similar to our recommendation in Finding 6, ensure all required documents, such as the Bridge Problem Report, are prepared and maintained in its files.	PennDOT will ensure that Bridge Problem Reports are created per our policy. PennDOT Central Office monitors BMS2 email Notifications on bridge closures to make sure BPR's are created.	Complete