## FOLLOW-UP ON AUDIT REPORT: ACTIONS TAKEN TO RECOVER EXCESS RESERVES FROM THE CENTRAL ARTERY/TUNNEL PROJECT'S OWNER CONTROLLED INSURANCE PROGRAM FEDERAL HIGHWAY ADMINISTRATION

Report Number: QR-2003-089
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## Memorandum

U.S. Department of **Transportation** 

Office of the Secretary of Transportation

Office of Inspector General

INFORMATION: Follow-up on Audit Report: Subject:

> Actions Taken to Recover Excess Reserves From the Central Artery/Tunnel Project's Owner Controlled Insurance Program, Federal Highway Administration

QR-2003-089

Alexis M. Stefani From:

Principal Assistant Inspector General

for Auditing and Evaluation

September 30, 2003 Date:

Reply to

JA-40 Attn of:

Federal Highway Administrator

We performed a follow-up review of the Federal Highway Administration's (FHWA's) implementation of recommendations from our report, "Actions Taken to Recover Excess Reserves From the Central Artery/Tunnel Project's Owner Controlled Insurance Program," IN-2002-095, July 22, 2002, and found that FHWA fully implemented the report's recommendations. Accordingly, we consider the report closed in accordance with Department of Transportation Order 8000.1C.

In May 1999, we reported that the Central Artery/Tunnel Project (Project) had used Federal funds to overfund its Owner Controlled Insurance Program (OCIP).<sup>1</sup> FHWA agreed to recover the excess reserves and implement a policy to prevent future occurrences. On September 30, 1999, Congress directed the Secretary to issue guidance prevent other transportation projects overfunding OCIPs. Congress also directed the Inspector General to monitor the implementation of FHWA's planned actions related to the Project's insurance program.

In response to this direction, in 2002, we performed a follow-up audit to determine whether FHWA implemented appropriate corrective action. In July 2002, we reported that the Project used \$153 million (\$138 million Federal share) of excess

<sup>1</sup> Report on "Overpayment of Premiums for the Central Artery Project's Owner Controlled Insurance Program," TR-1999-104, May 24, 1999.

reserves to offset current premiums. We also reported that the Project withdrew \$50 million from the OCIP Trust and returned the funds to the State's Federal-aid account. However, during the July 2002 follow-up audit, we found that an additional \$133 million in excess Federal funds remained in the OCIP, and the Project needed to complete an ongoing independent audit of the OCIP trust accounts. We also recommended that FHWA cease Federal participation in the OCIP and issue final OCIP guidelines.

As a result of the July 2002 follow-up audit, the Project transferred \$133 million from the OCIP, and FHWA issued final OCIP guidance. In response to our recommendation to cease Federal participation in the OCIP, the Project transferred an additional \$140 million from the Federal share of the OCIP budget to the Federal share of the Project's construction budget. The total transfer of \$273 million was completed by May 2003, using the results of the Pannell Kerr Forster PC (PKF) independent audit.

PKF audited the Project's OCIP basic financial statements for the year ended June 30, 2002. In its report, PKF rendered an unqualified opinion on the Project's basic financial statements. We performed a quality control review of the audit work and determined that it complied with <u>Government Auditing Standards</u>.

During our current follow-up, we reviewed PKF's audit and verified that Federal amounts transferred between the Project's OCIP and Construction budget categories were recorded in the Massachusetts Highway Department and FHWA accounting records. In addition, the Massachusetts Office of the Comptroller confirmed the transfers. Therefore, we found the total OCIP Federal share of \$273 million transferred to the Project's construction budget for better use to be appropriate.

Recently, Deloitte & Touche LLP (D&T) questioned the likelihood that the Project would achieve a \$20.5 million potential savings in insurance costs, as identified in the Project's latest cost and schedule update. The potential savings in insurance costs were primarily projected reductions in Workers Compensation and General Liability insurance costs that are included in the OCIP Trust. D&T concluded, in any event, that the potential savings in insurance costs do not affect its conclusion regarding the adequacy of the Project's latest budget. Project officials said the decision to reduce insurance costs was based on recent actuarial projections and favorable accident and loss trends.

Since the OCIP is now funded entirely with State funds, the State does not seek reimbursement of Federal funds for OCIP and FHWA no longer will participate in OCIP costs. Therefore, the issue raised by D&T has no bearing on the \$273 million Federal share of the OCIP budget that was transferred to the Federal

share of the Project's construction budget. Because the amount of insurance costs and the amount of contingencies are part of the Project's Fiscal Year 2003 Finance Plan, we will review the basis for these costs in our review of the Plan, which is required by the Department of Transportation and Related Agencies Appropriations Act for Fiscal Year 2001.

We appreciate the cooperation and assistance of FHWA. If we can answer any questions, or be of further assistance, please feel free to contact me at (202) 366-1992, or Debra S. Ritt, Assistant Inspector General for Surface and Maritime Programs, at (202) 493-0331.

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cc: FHWA Executive Director, HOA-3 FHWA Audit Liaison, HAIM-13 OST Audit Liaison, M-1