



January 19, 2011

To: Finance and Administration Committee
From: Will Kempton, Chief Executive Officer *Will Kempton*
Subject: Fiscal Year 2010 Federal Triennial Review Final Close Out

Overview

The Federal Transit Administration has completed a Fiscal Year 2010 Triennial Review of the Orange County Transportation Authority. The purpose of the review was to evaluate compliance with grant requirements and management practices as they relate to the use of federal funds. On December 15, 2010, the Federal Transit Administration closed out all deficiencies identified during the review.

Recommendation

Receive and file the Fiscal Year 2010 Federal Triennial Review close out notification.

Background

United States Code, Chapter 53 of Title 49, requires the Federal Transit Administration (FTA) of the United States Department of Transportation to perform reviews and evaluations of Urbanized Area Formula Grant activities at least every three years. The purpose of the triennial review is to evaluate the performance of a grant recipient in carrying out the recipient's program, specifically as it relates to compliance with statutory and administrative requirements. The triennial review consists of a review of compliance in 24 different grant related management areas.

Discussion

FTA's Region IX office contracted with CDI/DCI Joint Venture (reviewers) to perform the Fiscal Year 2010 Federal Triennial Review of the Orange County Transportation Authority (OCTA). The reviewers performed a desk review in December 2009, and OCTA provided information and documentation in

June 2010. The reviewers' site visit occurred August 3 to 5, 2010, and a draft report was provided to OCTA on the final day. OCTA was then provided a week to respond to the draft report, and a final report was issued on August 25, 2010.

OCTA was found fully compliant in 19 of the 24 areas reviewed. Of the remaining five areas, eight deficiencies were identified. Five of these were satisfactorily resolved prior to issuance of the final report. Three deficiencies remained open through December 15, 2010. On that day, OCTA received notification, via email, that all three remaining deficiencies were closed (Attachment A). The final resolution of these three deficiencies is discussed below.

Satisfactory Continuing Control – The reviewers found that OCTA's fixed-route bus spare ratio exceeded the 20 percent level allowed. Over most of the triennial period, OCTA was in compliance; however, service changes in 2009 resulting from the economic downturn increased the spare ratio to 36 percent. While the reviewers acknowledged that this is a national issue, they encouraged OCTA to take proactive measures to reduce spare buses. On December 2, 2010, OCTA submitted a fleet management plan that will reduce the ratio to the required level and the FTA was satisfied with OCTA's response and progress.

Americans with Disabilities Act (ADA) – Reviewers found that OCTA provides free connecting bus service from Metrolink stations to passengers using a Metrolink pass, but that passengers requiring ACCESS service at that transfer point are not extended the same free service. OCTA provided an implementation plan to FTA whereby service would be provided to eligible passengers and the FTA closed the deficiency. However, on December 22, 2010, FTA verbally advised OCTA that its legal department had rendered an opinion that the previous interpretation of the ADA requirement was invalid. FTA, therefore, deleted this finding from OCTA's Triennial Review and will provide written confirmation from its legal department in January 2011.

Equal Employment Opportunity (EEO) – The FTA's third open deficiency resulted from OCTA not having obtained and reviewed EEO/Affirmative Action plans from contractors MV Transportation Inc. and Veolia Transportation. OCTA has now both obtained and reviewed the documents. FTA was satisfied with the action taken and has closed the deficiency.

Summary

OCTA has received notification that three deficiencies remaining from the Fiscal Year 2010 FTA Triennial Review have been closed.

Attachment

- A. FY 2010 Triennial Review close out notification

Approved by:



Kathleen M. O'Connell
Executive Director, Internal Audit
(714) 560-5669

FY 2010 Triennial Review Close Out Notification

From: Jeffrey.S.Davis@dot.gov
To: [Will Kempton](mailto:Will.Kempton)
Cc: [Kathleen O'Connell](mailto:Kathleen.O'Connell); [Richard Bacigalupo](mailto:Richard.Bacigalupo); Philoki.Barros@dot.gov; Jeffrey.S.Davis@dot.gov; Nadeem.Tahir@dot.gov; nycoburn@aol.com; Derrin.Jourdan@dot.gov
Subject: FY 2010 OCTA Triennial Review Findings Closeout Letter - Sent on behalf of Mr. Nadeem Tahir
Date: Wednesday, December 15, 2010 1:19:14 PM
Attachments: [OCTA 2010 TR Closeout.docx](#)

Dear Mr. Kempton:

The recently received emailed responses dated November 30, 2010 were satisfactory to close out the three remaining findings from the Fiscal Year 2010 Final Triennial Review Report of the Orange County Transportation Authority (OCTA). Attached is a snapshot of the OTRAK database listing the findings and their closure dates. As we are no longer mailing letters regarding the triennial reviews please keep this email in your correspondence records. I appreciate the hard work involved into closing these last findings and wish everyone a happy holiday season with best wishes for the New Year.

If you have any immediate questions or comments, please contact Jeffrey Davis, Program Manager, at (415) 744-2594, e-mail: Jeffrey.S.Davis@dot.gov, or me, Nadeem Tahir, Director, Office of Program Management and Oversight, (415) 744-3113, email: Nadeem.Tahir@dot.gov.

Sincerely,

Jeffrey Davis
Acting Director, Office of Program Management & Oversight
Federal Transit Administration
201 Mission St., Suite 1650
San Francisco, CA 94105
415-744-2594 desk
707-738-0793 cell
415-744-2726 fax
email: Jeffrey.S.Davis@Dot.Gov



You are here: Home > Reviews > Search > Search Results > View Review Summary > Review Findings

version 10.0.1

[Summary](#)
[Process Stages](#)
[Findings](#)
[Advisory Comments](#)
[Annual Assessment](#)
[Grantee Profile](#)
[Search Results](#)

Review Findings
ORANGE COUNTY TRANSPORTATION AUTHORITY
(Recipient ID: 1682, DUNS: 153947940)
FTA Office: TRO-09 (ORANGE, CA)
Fiscal Year Planned 2010 Triennial Review
Findings by Review Area

Review Area	Program Impact	Finding	Due Date	Date Closed	Latest Update	Functions
Satisfactory Continuing Control	Medium	08 - Excessive fixed route bus spare ratio	12/2/2010	11/30/2010	12/15/2010	
Title VI	Medium	10 - Title VI public notification deficiencies	12/2/2010	8/23/2010	9/14/2010	
Title VI	Medium	16 - Insufficient oversight of Title VI	12/2/2010	8/23/2010	9/14/2010	
Title VI	Medium	13 - Impact of fare and/or service changes not adequately examined	12/2/2010	8/2/2010	9/14/2010	
ADA	Medium	04 - ADA Complementary Paratransit service deficiencies	12/2/2010	11/30/2010	12/15/2010	
Drug and Alcohol Program	Medium	01 - No drug and alcohol testing program	12/2/2010	8/23/2010	9/14/2010	
Drug and Alcohol Program	Medium	08 - Contractors, subrecipients, and/or lessees not properly monitored	12/2/2010	8/23/2010	9/14/2010	
Equal Employment Opportunity	Medium	07 - Failure to obtain EEO plans from subrecipients/contractors exceeding threshold	12/2/2010	11/30/2010	12/15/2010	

[Add](#)

- Help
- Findings Search
- Grantee Profile
- Assessments
- New / Existing
- Oversight Plans
- Reviews
- New / Existing
- OIG Hotlines
- Existing
- Single Audits
- New / Existing
- OIG/GAO Audits
- Existing
- Reports
- Exit