



November 13, 2019

To: Finance and Administration Committee

From: Darrell E. Johnson, Chief Executive Officer
Janet Sutter, Executive Director
Internal Audit Department

Subject: Fiscal Year 2019 Triennial Review

Overview

The Federal Transit Administration has completed the Fiscal Year 2019 Triennial Review of the Orange County Transportation Authority. The purpose of the review is to evaluate compliance with grant requirements and management practices as they relate to the use of federal funds. No deficiencies were found in any of the 21 areas reviewed.

Recommendation

Receive and file the Fiscal Year 2019 Triennial Review as an information item.

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 Orange County Transportation Authority's (OCTA) last review was conducted in 2016. 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 21 different grant-related management areas.

Discussion

FTA's Region IX office contracted with Qi Tech, LLC (reviewers) to perform the Fiscal Year (FY) 2019 Triennial Review. OCTA provided information and documentation ahead of the on-site visit in September 2019.

OCTA was found fully compliant in all 21 areas reviewed.

The reviewers were complimentary of several areas; specifically, procurement, vehicle and facilities maintenance, subrecipient oversight, grant drawdown documentation, and the Americans with Disabilities Act appeals process. The reviewers also described OCTA's Disadvantaged Business Enterprise program as a model program and the Title VI program as very strong. Finally, the reviewers praised OCTA staff, noting the inter-divisional cooperation among them and the willingness of staff to go "above and beyond."

Summary

The FTA has issued its FY 2019 Triennial Review Report, finding OCTA fully compliant in all 21 areas reviewed.

Attachments

- A. Final Report Fiscal Year 2019 Triennial Review of the Orange County Transportation Authority (OCTA) Orange, CA Recipient ID: 1682

Prepared by:



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FINAL REPORT

**FISCAL YEAR 2019
TRIENNIAL REVIEW**

of

**Orange County Transportation Authority
(OCTA)
Orange, CA
ID: 1682**

Performed for:

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION
REGION IX**

Prepared by:

**Advanced Systems Technology & Management, Inc.
under subcontract to Qi Tech, LLC**

**Scoping Meeting Date: June 10, 2019
Site Visit Date: September 10-12, 2019
Final Report Date: October 31, 2019**

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I. Executive Summary

This report documents the Federal Transit Administration's (FTA) Triennial Review of the Orange County Transportation Authority (OCTA) in Orange, California. FTA wants to ensure that awards are administered in accordance with the requirements of Federal Public Transportation Law 49 U.S.C. Chapter 53. The review was performed by Advanced Systems Technology and Management, Inc. (AdSTM), under subcontract to Qi Tech, LLC. During the site visit, administrative and statutory requirements were discussed and documents were reviewed. OCTA's transit facilities were toured to provide an overview of activities related to FTA-funded projects.

The Triennial Review focused on OCTA's compliance in 21 areas. No deficiencies were found in any of the areas.

Review Area	Deficiencies	
	Code	Description
No Deficiencies		

II. Review Background and Process

1. Background

The United States Code, Chapter 53 of Title 49 (49 U.S.C. 5307(f) (2)) requires that “At least once every three years, the Secretary shall review and evaluate completely the performance of a grantee in carrying out its program, specifically referring to compliance with statutory and administrative requirements.” This Triennial Review was performed in accordance with FTA procedures (published in FTA Order 9010.1B, April 5, 1993).

The Triennial Review includes a review of the recipient’s compliance in 21 areas. The basic requirements for each of these areas are summarized in Section IV.

This report presents the findings from the Triennial Review of OCTA. The review concentrated on procedures and practices employed during the past three years; however, coverage was extended to earlier periods as needed to assess the policies in place and the management of award funds. The specific documents reviewed and referenced in this report are available at FTA’s regional office or the recipient’s office.

2. Process

The Triennial Review process includes a pre-review assessment, a review scoping meeting with the FTA regional office, and an on-site visit to the recipient’s location. A Recipient Information Request (RIR) package was sent to OCTA advising it of the review and site visit, and containing a list of items and questions that the recipient was required to submit to the reviewer. The review scoping meeting was conducted with the Region IX Office on June 10, 2019. Necessary files retained by the regional office were sent to the reviewer electronically. A Site Visit Agenda package was sent to OCTA advising it of the site visit date and indicating information that would be needed and issues that would be discussed. The site visit to OCTA occurred on September 10-12, 2019.

The onsite portion of the review began with an entrance conference, at which the purpose of the Triennial Review and the review process were discussed. The remaining time was spent discussing administrative and statutory requirements and reviewing documents. The reviewers visited OCTA’s Anaheim and Santa Ana Operations and Maintenance Bases to obtain an overview of activities related to FTA-funded projects. A subrecipient visit to the Anaheim Regional Transportation Intermodal Center (ARTIC) was also included in the review. The reviewers examined a sample of maintenance records for FTA-funded vehicles and equipment.

Upon completion of the review, FTA and the reviewers provided a summary of preliminary findings to OCTA at an exit conference. Section VI of this report lists the individuals participating in the review.

3. Metrics

The metrics used to evaluate whether a recipient is meeting the requirements for each of the areas reviewed are:

- *Not Deficient*: An area is considered not deficient if, during the review, no findings were noted with the recipient's implementation of the requirements.
- *Deficient*: An area is considered deficient if any of the requirements within the area reviewed were not met.
- *Not Applicable*: An area can be deemed not applicable if, after an initial assessment, the recipient does not conduct activities for which the requirements of the respective area would be applicable.

III. Recipient Description

1. Organization and Services

OCTA provides transit service throughout Orange County, California. OCTA was formed on June 20, 1991 with the consolidation of the Orange County Transit District, Orange County Transportation Commission, Orange County Local Transportation Authority, Orange County Service Authority for Freeway Emergencies, Orange County Service Authority for Abandoned Vehicles, Orange County Consolidated Transportation Services Agency, and the Orange County Congestion Management Agency.

An 18-member Board of Directors governs OCTA. Five representatives are from the Orange County Board of Supervisors, and ten members are from the individual municipalities within the county. Board members select two public members, and one ex-officio member is from Caltrans District 12. The Board hires a Chief Executive Officer to oversee the management and operations of OCTA.

OCTA is responsible for planning and implementing fixed-route, paratransit, and vanpool transportation services. OCTA also administers the Master Plan for arterial highways, area highways, transit ways, high occupancy vehicle lanes, and the 91 Express Lanes toll roads. OCTA's service area is 797 square miles with a population of 3.2 million.

OCTA operates a network of 68 fixed routes. Service is provided weekdays from 3:50 a.m. to 2:17 a.m., Saturdays from 3:55 a.m. to 2:02 a.m., and Sundays from 3:57 a.m. to 2:02 a.m. The recipient's complementary paratransit service, known as ACCESS, operates during the same days and hours of service as the fixed routes.

The basic adult fare for bus service is \$2.00. A reduced fare of \$0.75 is offered to seniors ages 60 and older, persons with disabilities, and Medicare cardholders during all hours. An ACCESS-eligible fixed-route local fare of \$0.25 is offered to riders holding valid ACCESS ID cards. The fare for ADA paratransit service is \$3.60.

OCTA operates a fleet of 526 buses for fixed-route service. Its bus fleet consists of standard and CNG-powered 40- and 60-foot transit coaches and minibuses. The current peak requirement is for 436 vehicles. OCTA also has a fleet of 248 cutaways operated by MV Transportation, Inc. for the ACCESS ADA paratransit service.

OCTA operates from six maintenance and operation facilities located as follows: Garden Grove Bus Operations and Maintenance Base, Garden Grove Annex, Anaheim Bus Operations and Maintenance Base, Santa Ana Bus Operations and Maintenance Base, Irvine-Construction Circle Bus Operations and Maintenance Base, and Irvine-Sand Canyon Bus Operations and Maintenance Base. Its service is oriented around seven transit centers as follows: Golden West Transportation Center, Fullerton Park & Ride, Fullerton Transportation Center, Brea Park & Ride, Newport Transportation Center, Laguna Hills Transit Transportation Center, and the Laguna Beach Bus Station Transportation Center in downtown.

2. Award and Project Activity

Below is a list of OCTA's open awards at the time of the review.

Award Number	Award Amount	Year Executed	Description
CA-2019-018-00	\$148,955,409	2018	OC Streetcar: Santa Ana/Garden Grove FFGA
CA-32-X113-04	\$13,962,490	2012	JARC Mobility Mgmt Operating PA
CA-04-0122-00	\$4,845,999	2009	FY09 Sec 5309 Bus Application
CA-04-0078-00	\$7,021,300	2008	FY08 Sec 5309 Bus Application
CA-95-X210-00	\$12,669,000	2012	CMAQ AnaCyn Stn PE Rideshare Cap Lease
CA-90-Z027-00	\$53,878,508	2013	PM Ops Asst Contract Svc Bus Replacement
CA-05-0269-00	\$6,000,000	2012	CP 4 th St & Slope Stabilization
CA-95-X254-00	\$5,656,999	2012	CMAQ Shuttle Service, Rideshare
CA-2016-032-00	\$55,400,721	2016	FY15 5307 Ops Asst Cont Svc Bus Cap PTC
CA-90-Y942-01	\$57,746,965	2012	PM Bus Rep. Rail Control and Rehab.
CA-95-X286-00	\$6,621,000	2014	CMAQ/RSTP LN-SJC Siding & LN-MV Sta
CA-95-X131-00	\$2,102,650	2010	FY10 RSTP Fund Transfer for SARTC/FTC
CA-2017-072-00	\$31,567,405	2017	17 CMAQMEGA1-Const and OC Streetcar De
CA-90-Z174-00	\$55,129,190	2014	PM, Ops Asst. Cont Svc Cap Cost Con

Projects Completed

During the review period, OCTA completed the following noteworthy projects:

- Anaheim Regional Transportation Intermodal Center (ARTIC)
- Environmental/design phase and award of FFGA for the OC Streetcar.

Ongoing Projects

OCTA is currently implementing the following noteworthy projects:

- Construction of the OC Streetcar Project under New Starts
- Design-build of the I-405 Freeway Improvement Project
- Deployment of hydrogen fuel cell buses and infrastructure.

Future Projects

OCTA plans to pursue the following noteworthy projects in the next three to five years:

- Upgrade the fare collection system
- Replace fareboxes (Grant request)

- Procure and deploy up to 299, 40-foot alternative fuel buses
- Replace 116 ACCESS paratransit buses (Grant request)
- Procure and deploy up to 10 battery electric buses and charging infrastructure (Grant request)
- Replace 55 Operator Relief Vehicles (Grant request)
- Construct the Transit Security and Operations Center (Grant request)
- Repower 20 articulated buses (Grant request)
- Revitalize Newport Transportation Center (Grant request)
- Complete the SR-55 freeway improvement project (Grant request).

IV. Results of the Review

1. Legal

Basic Requirement: The recipient must promptly notify the FTA of legal matters and additionally notify the U.S. DOT Office of Inspector General (OIG) of any instances relating to false claims under the False Claims Act or fraud. Recipients must comply with restrictions on lobbying requirements.

Finding: During this Triennial Review of OCTA, no deficiencies were found with the FTA requirements for Legal.

2. Financial Management and Capacity

Basic Requirement: The recipient must have financial policies and procedures; an organizational structure that defines, assigns, and delegates authority; and financial management systems in place to match, manage, and charge only allowable cost to the award. The recipient must conduct required single audits and provide financial oversight of subrecipients.

Finding: During this Triennial Review of OCTA, no deficiencies were found with the FTA requirements for Financial Management and Capacity.

3. Technical Capacity – Award Management

Basic Requirement: The recipient must report progress of projects in awards to the FTA timely.

Finding: During this Triennial Review of OCTA, no deficiencies were found with the FTA requirements for Technical Capacity – Award Management.

4. Technical Capacity – Program Management and Subrecipient Oversight

Basic Requirement: The recipient must follow the public involvement process for transportation plans; develop and submit a State Management Plan to the FTA for approval; report in the Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS) on subawards; and ensure subrecipients comply with the terms of the award.

Finding: During this Triennial Review of OCTA, no deficiencies were found with the FTA requirements for Technical Capacity – Program Management and Subrecipient Oversight.

5. Technical Capacity – Project Management

Basic Requirement: The recipient must be able to implement FTA-funded projects in accordance with the award application, FTA Master Agreement, and all applicable laws and regulations, using sound management practices; and prepare force account plans.

Finding: During this Triennial Review of OCTA, no deficiencies were found with the FTA requirements for Technical Capacity – Project Management.

6. Transit Asset Management

Basic Requirement: Recipients must comply with 49 CFR Part 625 to ensure public transportation providers develop and implement transit asset management (TAM) plans. Recipients' TAM plans must include an asset inventory, condition assessments of inventoried assets, and a prioritized list of investments to improve the state of good repair of their capital assets.

Finding: During this Triennial Review of OCTA, no deficiencies were found with the FTA requirements for Transit Asset Management.

7. Satisfactory Continuing Control

Basic Requirement: The recipient must ensure that FTA-funded property will remain available to be used for its originally authorized purpose throughout its useful life until disposition.

Finding: During this Triennial Review of OCTA, no deficiencies were found with the FTA requirements for Satisfactory Continuing Control.

8. Maintenance

Basic Requirement: Recipients must keep federally funded vehicles, equipment, and facilities in good operating condition. Recipients must keep ADA accessibility features on all vehicles, equipment, and facilities in good operating order.

Finding: During this Triennial Review of OCTA, no deficiencies were found with the FTA requirements for Maintenance.

9. Procurement

Basic Requirement:

States: When procuring property and services under a Federal award, a state must follow the same policies and procedures it uses for procurements from its non-Federal funds. The state will comply with 2 CFR §200.322 (*Procurement of Recovered Materials*) and ensure that every purchase order or other contract includes any clauses required by section 2 CFR §200.326 (*Contract Provisions*). All other non-Federal entities, including subrecipients of a state, will follow 2 CFR §§200.318 (*General Procurement Standards*) through 200.326 (*Contract Provisions*).

Non-state recipients: The non-Federal entity must use its own documented procurement procedures which reflect applicable State, local, and tribal laws and regulations, and conform to applicable Federal law and the standards identified in 2 CFR Part 200.

Where FTA funds are used in procurements for services or supplies, or where FTA-funded facilities or assets are used in revenue contracts, FTA Circular 4220.1F applies. FTA funds, even operating assistance, can be segregated from local funds. FTA Circular 4220.1F does not apply to wholly locally funded capital procurements.

Finding: During this Triennial Review of OCTA, no deficiencies were found with the FTA requirements for Procurement.

10. Disadvantaged Business Enterprise (DBE)

Basic Requirement: Recipients must comply with 49 CFR Part 26 to ensure nondiscrimination in the award and administration of US DOT-assisted contracts. Recipients also must create a level playing field on which DBEs can compete fairly for US DOT-assisted contracts.

Finding: During this Triennial Review of OCTA, no deficiencies were found with the US DOT requirements for DBE.

11. Title VI

Basic Requirement: The recipient must ensure that no person shall, on the grounds of race, color, or national origin, be excluded from participating in, or be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance without regard to whether specific projects or services are federally funded. The recipient must ensure that all transit services and related benefits are distributed in an equitable manner.

Finding: During this Triennial Review of OCTA, no deficiencies were found with the FTA requirements for Title VI.

12. Americans With Disabilities Act (ADA) – General

Basic Requirement: Titles II and III of the ADA of 1990 provide that no entity shall discriminate against an individual with a disability in connection with the provision of transportation service. The law sets forth specific requirements for vehicle and facility accessibility and the provision of service, including complementary paratransit service.

Finding: During this Triennial Review of OCTA, no deficiencies were found with the US DOT requirements for ADA – General.

13. ADA – Complementary Paratransit

Basic Requirement: Under 49 CFR 37.121(a), 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. “Comparability” is determined by 49 CFR 37.123-37.133. Requirements for complementary paratransit do not apply to commuter bus, commuter rail, or intercity rail systems.

Finding: During this Triennial Review of OCTA, no deficiencies were found with the US DOT requirements for ADA – Complementary Paratransit.

14. Equal Employment Opportunity

Basic Requirement: The recipient must ensure that no person in the United States shall on the grounds of race, color, religion, national origin, sex, age, or disability be excluded from participating in, or denied the benefits of, or be subject to discrimination in employment under any project, program, or activity receiving Federal financial assistance under the Federal transit laws. (Note: Equal Employment Opportunity Commission’s regulation only identifies/recognizes religion and not creed as one of the protected groups.)

Finding: During this Triennial Review of OCTA, no deficiencies were found with the FTA requirements for Equal Employment Opportunity.

15. School Bus

Basic Requirement: Recipients are prohibited from providing school bus service in competition with private school bus operators unless the service qualifies and is approved by the FTA Administrator under an allowable exemption. Federally funded equipment or facilities cannot be used to provide exclusive school bus service.

Finding: During this Triennial Review of OCTA, no deficiencies were found with the FTA requirements for School Bus.

16. Charter Bus

Basic Requirement: Recipients are prohibited from using federally funded equipment and facilities to provide charter service if a registered private charter operator expresses interest in providing the service. Recipients are allowed to operate community-based charter services excepted under the regulations.

Finding: During this Triennial Review of OCTA, no deficiencies were found with the FTA requirements for Charter Bus.

17. Drug-Free Workplace Act

Basic Requirement: Recipients are required to maintain a drug-free workplace for all award-related employees; report any convictions occurring in the workplace timely; and have an ongoing drug-free awareness program.

Finding: During this Triennial Review of OCTA, no deficiencies were found with the FTA requirements for Drug-Free Workplace Act.

18. Drug and Alcohol Program

Basic Requirement: Recipients receiving Section 5307, 5309, 5311, or 5339 funds that have safety-sensitive employees must have a drug and alcohol testing program in place for such employees.

Finding: During this Triennial Review of OCTA, no deficiencies were found with the FTA requirements for Drug and Alcohol Program.

19. Section 5307 Program Requirements

Basic Requirements: For fixed-route service supported with Section 5307 assistance, fares charged seniors, persons with disabilities or an individual presenting a Medicare card during off peak hours will not be more than one half the peak hour fares. Recipients are expected to have a written, locally developed process for soliciting and considering public comment before raising a fare or carrying out a major transportation service reduction. Recipients shall develop, publish, afford an opportunity for a public hearing on, and submit for approval, a program of projects (POP). Recipients must annually certify that they are spending at least one percent of such funds for transit security projects or that such expenditures for security systems are not necessary. Recipients must ensure that least one percent of such funds are expended on associated transit enhancement projects.

Finding: During this Triennial Review of OCTA, no deficiencies were found with the FTA requirements for Section 5307 Program Requirements.

20. Section 5310 Program Requirements

Basic Requirement: Recipients must expend funds on eligible projects that meet the specific needs of seniors and individuals with disabilities. Projects selected for funding under the Section 5310 program must be included in a locally developed, coordinated public transit-human services transportation plan. Recipients must approve all leases of Section 5310-funded vehicles and ensure that leases include required terms and conditions. Either the recipient or subrecipient must hold title to the leased vehicles.

Finding: During this Triennial Review of OCTA, no deficiencies were found with the FTA requirements for Section 5310 Program Requirements.

21. Section 5311 Program Requirements

Basic Requirement: Recipients must expend funds on eligible projects to support rural public transportation services and intercity bus transportation.

This section only applies to recipients that receive Section 5311 funds directly from FTA; therefore, the requirements are not applicable to the review of OCTA.

V. Summary of Findings

Review Area	Finding	Deficiency Code(s)	Corrective Action	Response Due Date	Date Closed
1. Legal	ND				
2. Financial Management and Capacity	ND				
3. Technical Capacity – Award Management	ND				
4. Technical Capacity – Program Management and Subrecipient Oversight	ND				
5. Technical Capacity – Project Management	ND				
6. Transit Asset Management	ND				
7. Satisfactory Continuing Control	ND				
8. Maintenance	ND				
9. Procurement	ND				
10. Disadvantaged Business Enterprise	ND				
11. Title VI	ND				
12. Americans With Disabilities Act (ADA) - General	ND				
13. ADA – Complementary Paratransit	ND				
14. Equal Employment Opportunity	ND				
15. School Bus	ND				
16. Charter Bus	ND				
17. Drug-Free Workplace Act	ND				
18. Drug and Alcohol Program	ND				
19. Section 5307 Program Requirements	ND				
20. Section 5310 Program Requirements	ND				
21. Section 5311 Program Requirements	NA				

VI. Attendees

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VII. Appendices

No appendices included in this report.