



October 25, 2023

To: Finance and Administration Committee

From: Darrell E. Johnson, Chief Executive Officer

Janet Sutter, Executive Director
Internal Audit Department

Subject: Fiscal Year 2023 Triennial Review

Overview

The Federal Transit Administration has completed the fiscal year 2023 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 23 areas reviewed.

Recommendation

Receive and file the Fiscal Year 2023 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 2019. 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 23 different grant-related management areas, two of which were not applicable to OCTA.

Discussion

FTA's Region IX office contracted with Interactive Elements, Incorporated (reviewers), to perform the fiscal year (FY) 2023 triennial review. OCTA provided information and documentation ahead of the review conducted in August 2023.

OCTA was found fully compliant in all areas reviewed.

The reviewers complimented OCTA's Grant Compliance Manager, who provides compliance training, conducts practice reviews, identifies potential findings to ensure any issues are addressed, and takes the lead in coordinating staff responses and managing document submittals during the review. In addition, the reviewers were complimentary of several areas; specifically, procurement, vehicle and facilities maintenance, subrecipient and contractor 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 2023 triennial review report, finding OCTA fully compliant in all areas reviewed.

Attachment

- A. Final Report Fiscal Year 2023 Triennial Review of the Orange County Transportation Authority (OCTA) Orange, CA Recipient ID: 1682

Authorized by:

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FINAL REPORT

**FISCAL YEAR 2023
TRIENNIAL REVIEW**

of

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

Performed for:

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION
REGION 9**

Prepared By:

Interactive Elements Inc.

**Desk Review/Scoping Meeting Date: March 3, 2023
Virtual Site Visit Entrance Conference Date: August 7, 2023
Virtual Site Visit Exit Conference Date: August 10, 2023
Draft Report Date: September 7, 2023
Final Report Date: September 28, 2023**

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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) of Orange, California. The FTA wants to ensure that awards are administered in accordance with the requirements of federal public transportation law in 49 U.S.C. Chapter 53. The review was performed by Interactive Elements Inc. (IEI). During the virtual site visit, the reviewer discussed the administrative and statutory requirements and reviewed Recipient documents.

Due to the Coronavirus 2019 (COVID-19) Public Health Emergency, the FTA conducted a virtual site visit for this Triennial Review. In addition, the FTA expanded the review to address OCTA’s compliance with the administrative relief and flexibilities that the FTA granted, and the requirements of the [COVID-19 relief](#) funds received through the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020, Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) of 2021, and the American Rescue Plan (ARP) Act of 2021. The FTA also requested the OCTA share if and/or how it suspended, deviated from, or significantly updated or altered its transit program due to the public health emergency.

The FY 2023 Triennial Review focused on OCTA’s compliance in 23 areas. No deficiencies were found with the FTA requirements in any of these areas.

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 3 years, the Secretary shall review and evaluate completely the performance of a recipient in carrying out the recipient’s program, specifically referring to compliance with statutory and administrative requirements...” The FTA performs this Triennial Review in accordance with its procedures (published in FTA Order 9010.1B, April 5, 1993).

The Triennial Review includes a review of the recipient’s compliance in 23 areas. The basic requirements for each of these areas are summarized in Section IV. The FTA contracts with experienced reviewers to lead and conduct the Triennial Reviews, in partnership with the staff of the regional office.

This report presents the findings from the Triennial Review of the recipient. The review concentrated on procedures and practices employed since the recipient’s previous Triennial Review in 2019; 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 the FTA’s Region 9 office or the recipient’s office.

2. Process

The Triennial Review includes a pre-review assessment, a desk review and scoping meeting with the FTA regional office, and a site visit to the recipient's location. Due to Coronavirus 2019 (COVID-19) Public Health Emergency, the FTA conducted a virtual site visit for this Triennial Review. In addition, the FTA expanded the review to address the OCTA's compliance with the administrative relief and flexibilities that the FTA granted, and the requirements of the [COVID-19 relief](#) funds received through the Coronavirus Aid, Relief, and Economic Security Act of 2020 (CARES), Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (CRRSAA), and American Rescue Plan Act of 2021 (ARP). The FTA also requested that the recipient share if and/or how it suspended, deviated from, or significantly updated or altered its transit program due to the public health emergency

The Fiscal Year (FY) 2023 process began with the regional office transmitting a notification of the review and a Recipient Information Request (RIR) to the recipient on November 23, 2022 indicating a review would be conducted. While the recipient prepared its response to the RIR, the regional office and review team conducted a desk review and scoping meeting on March 3, 2023. Regional office staff provided electronic files as necessary to the reviewers who also accessed recipient information in the FTA electronic award management (TrAMS) and oversight (OTrak) systems. Following the desk review and scoping meeting, the reviewer(s) and the recipient corresponded and exchanged information and documentation in preparation for the virtual site visit. Prior to the virtual site visit, the reviewers sent to the recipient on July 24, 2023 an agenda package indicating the issues that would be discussed, records to be reviewed, and interviews to be conducted. The virtual site visit to OCTA occurred from August 7, 2023 to August 10, 2023.

The virtual site visit portion of the review began with an entrance conference, at which the reviewers and regional staff discussed the purpose of the Triennial Review and the review process. The reviewers conducted additional interviews and reviewed documentation to evidence the recipient's compliance with FTA requirements.

A Section 5307 subrecipient, Anaheim Transportation Network of Anaheim, California, was reviewed virtually to provide an overview of activities related to the FTA-funded projects. The reviewers also examined a sample of procurement files during this review.

Upon completion of the virtual site visit, the reviewers and the FTA regional office staff provided a summary of preliminary findings to the recipient at the exit conference on August 10, 2023. Section VI of this report lists the individuals participating in the site visit.

3. Metrics

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

- Not Deficient (ND): An area is considered not deficient if, during the review, nothing came to light that would indicate the requirements within the area reviewed were not met.
- Deficient (D): An area is considered deficient if any of the requirements within the area reviewed were not met.
- Not Applicable (NA): 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

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. OCTA provides transit service throughout Orange County, California.

OCTA's governing body consists of an 18-member Board of Directors. 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 approximately 3.2 million.

OCTA operates a network of 53 fixed routes. Service is provided weekdays from 4:23 a.m. to 11:06 p.m., Saturdays from 4:43 a.m. to 11:06 p.m., and Sundays from 5:15 a.m. to 11:06 p.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 416 buses for fixed-route service. Its bus fleet consists of CNG-powered 40- and 60-foot transit coaches, 40-foot hydrogen and battery electric buses, and minibuses. The current peak requirement is for 347 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: 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: 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.

OCTA is currently constructing the OC Streetcar, a 4.15 mile light rail connection between the Santa Ana Regional Transportation Center Metrolink Station in Santa Ana, and a new

multimodal transit hub at Harbor Boulevard/Winchester Avenue in Garden Grove. The OC Streetcar is expected to begin service in 2024, and include 10 stops in each direction, a maintenance and storage facility, and connections to 18 OCTA bus routes.

2. Award and Project Activity

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

Federal Award Identification Number	Award Amount	Year Executed	Award Name
CA-2020-050	\$78,843,769	2020	CMAQ Transfer Grant - Purchase of 40-Foot Alternative Fuel Replacement Vehicles - Phase 1, Bravo Buses (Rolling Stock), Rideshare Vanpool Capital Lease, Anaheim Canyon Station
CA-2019-018	\$148,955,409	2022	OC Streetcar: Santa Ana/Garden Grove - FFGA
CA-2021-187	\$60,143,314	2021	FFY2021 5307 Non-Fixed Route Paratransit Operating Assistance, Preventive Maintenance, and Capital Cost of Contracting
CA-2022-137	\$6,200,560	2022	FFY2021 5339 Capital Cost of Contracting and Replacement Paratransit Vehicles
CA-2021-227	\$3,274,762	2021	FFY2021 5337 Facilities Preventive Maintenance, Tactile Tile Replacement, and Railroad Slope and Culvert Improvements
CA-2021-052	\$1,206,518	2021	FFY2017 5339b Bus and Bus Facilities Competitive Award D2018-BUSC-018
CA-2021-010	\$42,599,378	2021	FY2015 to FY2020 OC Streetcar CMAQ
CA-2020-281	\$913,115	2020	FFY2018 FHWA Transfer to 5309 High Priority and Transportation San Juan Creek Bridge Replacement (Discretionary ID# D2020-BUSF-002)
CA-2022-076	\$1,016,000	2022	FFY2020 STBG Transfers for the South County Multimodal Transportation Study and Mobility Hub Study
CA-2022-170	\$62,585,945	2022	FFY2009, FFY2017, FFY2020, and FFY2021 CMAQ Transfers for the Purchase of 40-Foot Alternative Fuel Replacement Vehicles - Phase 2, Rideshare Vanpool Capital Lease and Bus Engine Repowers
CA-2017-072	\$31,567,405	2020	2017 CMAQ MEGA1 - Const (Parking, Siding) and OC Streetcar Design (FG)
CA-2022-024	\$9,407,272	2022	American Rescue Plan Act Capital Investment Grant - OC Streetcar: Santa Ana/Garden Grove DISC ID # D2021-RPNS-008
CA-2022-082	\$34,515,000	2022	FY2020 OC Streetcar CMAQ Transfer

OCTA received Supplemental Funds for operating assistance in award numbers [CA-2020-146, CA-2021-153, CA-2021-154, CA-2021-155, CA-2021-156, and CA-2022-024. This is not OCTA's first time receiving operating assistance from the FTA.

Projects Completed

In the past few years, OCTA completed the following noteworthy projects:

- Deployed hydrogen fueling station and 10 hydrogen fuel-cell buses
- Expanded the app-based, on-demand OC Flex micro-transit pilot project
- Relocated OCTA’s data center to a secure location site
- Completed the Orange Transportation Center parking structure

Ongoing Projects

OCTA is currently implementing the following noteworthy projects:

- OC Streetcar construction (70% complete)
- Expansion improvements to the Anaheim Canyon Metrolink Station
- Laguna Niguel Passing Siding rail project expansion
- College Pass Program

Future Projects

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

- Initiate a pilot program for 10 plug-in battery-electric buses
- Initiate the “Making Better Connections” bus restructuring study
- Construction of the OCTA’s Transit Security and Operations Center
- Revitalize the Fullerton Transportation Center
- Develop the E-Bike Safety Plan

IV. Results of the Review

1. Legal

Basic Requirement: The recipient must promptly notify the FTA of legal matters and additionally notify the USDOT 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: No deficiencies.

2. Financial Management and Capacity

Basic Requirement: The recipient must have financial policies and procedures; an organizational structure that defines, assigns and delegates fiduciary authority; and financial management systems in place to manage, match, and charge only allowable costs to the award. The recipient must conduct required Single Audits, as required by 2 CFR part 200, and provide financial oversight of subrecipients.

Finding: No deficiencies.

3. Technical Capacity – Award Management

Basic Requirement: The recipient must report progress of projects in awards to the Federal Transit Administration (FTA) and close awards timely.

Finding: No deficiencies.

4. Technical Capacity – Program Management & Subrecipient Oversight

Basic Requirement: Designated recipients of Sections 5310, 5311, and 5339 funds must develop and submit a Program Management Plan to the FTA for approval. Recipients must enter into an agreement with each subrecipient, obtain required certifications from subrecipients, 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: No deficiencies.

5. Technical Capacity – Project Management

Basic Requirement: The recipient must implement the FTA-funded projects in accordance with the award application, the FTA Master Agreement, and applicable laws and regulations using sound management practices.

Finding: No deficiencies.

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.

Finding: No deficiencies.

7. Satisfactory Continuing Control

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

Finding: No deficiencies.

8. Maintenance

Basic Requirement: Recipients must keep federally-funded vehicles, equipment, and facilities in good operating condition. Recipients must keep Americans with Disabilities Act (ADA) accessibility features on all vehicles, equipment, and facilities in good operating order.

Finding: No deficiencies.

9. Procurement

Basic Requirement: 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.

Finding: No deficiencies.

10. Disadvantaged Business Enterprise (DBE)

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

Finding: No deficiencies

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: No deficiencies. [

12. Americans with Disabilities Act (ADA) – General

Basic Requirement: Titles II and III of the Americans with Disabilities Act 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: No deficiencies.

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: No deficiencies.

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.

Finding: No deficiencies.

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: No deficiencies.

16. Charter Bus

Basic Requirement: Recipients are prohibited from using the FTA-funded equipment and facilities to provide charter service that unfairly competes with private charter operators. Recipients may operate charter only when the service meets a specified exception defined in rule.

Finding: No deficiencies.

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: No deficiencies.

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: No deficiencies.

19. Section 5307 Program Requirements

Basic Requirement: Recipients must participate in the transportation planning process in accordance with FTA requirements and the metropolitan and statewide planning regulations.

Recipients shall develop, publish, afford an opportunity for a public hearing on, and submit for approval, a program of projects (POP).

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.

For fixed-route service supported with Section 5307 assistance, fares charged to 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.

Finding: No deficiencies.

20. Section 5310 Program Requirements

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

Finding: No deficiencies.

21. Section 5311 Program Requirements

Basic Requirement: States must expend Section 5311 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.

Finding: Not applicable.

22. Public Transportation Agency Safety Plan (PTASP)

Basic Requirement: Recipients must comply with the Public Transportation Agency Safety Plan (PTASP) regulation (49 CFR Part 673) to ensure public transportation providers develop and implement an Agency Safety Plan (ASP).

Finding: No deficiencies.

23. Cybersecurity

Basic Requirement: Recipients that operate rail fixed guideway public transportation systems must certify compliance with the requirements for establishing a cybersecurity process under 49 U.S.C. § 5323(v), a new subsection added by the National Defense Authorization Act for Fiscal Year 2020, Pub. L. 116-92, § 7613 (Dec. 20, 2019).

This section only applies to recipients that operate rail fixed guideway public transportation systems.

Finding: Not applicable.

V. Summary of Findings

Review Area	Finding	Deficiency Code(s)		Corrective Action(s)	Response Due Date(s)	Date Closed
		Code	Description			
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	ND					

Review Area	Finding	Deficiency Code(s)		Corrective Action(s)	Response Due Date(s)	Date Closed
		Code	Description			
18. Drug and Alcohol Program	ND					
19. Section 5307 Program Requirements	ND					
20. Section 5310 Program Requirements	ND					
21. Section 5311 Program Requirements	NA					
22. Public Transportation Agency Safety Plan	ND					
23. Cybersecurity	NA					

The metrics used to evaluate whether a recipient is meeting the requirements for each of the areas reviewed are: Deficient (D) / Not Deficient (ND) / Not Applicable (NA).

VI. Participants

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