



September 26, 2014

To: Executive Board

Subject: **FY 2014 Draft Triennial Review Report**

Recommendation

Receive and file the Federal Transit Administration draft Triennial Review report (Attachment A).

Summary

The Federal Transit Administration (FTA) conducted a triennial review of Foothill Transit in August 2014. The review is required by Chapter 53 of Title 49, United States Code, Section 5307. Although not an audit, the Triennial Review is the FTA's assessment of Foothill Transit's compliance with Federal requirements, determined by examining a sample of grant management and program implementation practices.

The Triennial Review focused on Foothill Transit's compliance in 17 areas. No deficiencies were found with the FTA requirements in 12 areas. Deficiencies were found in five areas: Americans with Disabilities Act (ADA), Procurement, Disadvantaged Business Enterprise, Charter Bus, and Drug Free Workplace and Alcohol Program. Each of these findings is discussed below.

As part of this year's Triennial Review, FTA incorporated an Enhanced Review Module (ERM) in the ADA area. The purpose of an ERM is to conduct a more comprehensive review of underlying or contributing issues identified during the pre-assessment stage of the Triennial Review. No deficiencies resulted from the ERM.

Discussion of Findings and Corrective Actions

Americans with Disabilities Act

Triennial Review Finding: ADA complementary service

Foothill Transit relies on Access Services to provide ADA complementary paratransit services for fixed route operations. Foothill Transit's one way base fare is \$1.25 per trip, whereas effective July 1, 2014, Access Services' lowest fare for an ADA complementary paratransit trip in the Foothill Transit service area is \$2.75 per trip. This is more than twice the Foothill Transit fixed-route base fare.

Foothill Transit Corrective Action: This finding appears to ignore the regional nature of the paratransit services provided by Access Services. For example, an Access Services passenger can travel from an origin to a destination that may traverse the service areas of three different fixed route providers (and do so with a single fare). A



fixed route passenger would generally be required to pay multiple fares to travel between the same origin and destination points. Foothill is working with Access Services, the FTA, LA Metro, and all regional service providers to reach an agreement on this issue as it impacts nearly every fixed-route transit provider in Los Angeles County.

Triennial Review Finding: Failure to provide origin to destination service

The service provided by Access Services is described as curb-to-curb in the public information that is provided to passengers. No provisions are made for assistance beyond the curb for passengers whose disabilities may require such assistance in order to reach their destination or leave their point of origin. Under 49 CFR 37.129(a), complementary paratransit service for ADA paratransit eligible persons must provide origin to destination service. Where the basic mode of paratransit service is curb-to-curb, service may need to be provided to some individuals to ensure that they are actually able to travel from their points of origin or destination.

Foothill Transit Corrective Action: Foothill Transit is working with Access Services, the FTA, LA Metro, and all regional service providers to reach an agreement on this issue.

Triennial Review Finding: Insufficient No-Show Policy

Access Services' written no-show policy does not take into account frequency of travel prior to suspension. Further, the policy, which calls for suspending passengers for 10 days after the first occurrence, 30 days for a second occurrence, 60 days for a third occurrence and 90 days for a fourth occurrence of no-shows, does not meet the reasonableness requirement of 49 CFR 37.125(h). Additionally, Access Services treats subscription trips canceled after 10:00 p.m. the night before as no-shows. FTA permits cancellations to be regarded as no-shows only if they are made within one to two hours of the pick-up time provided to the passenger.

Foothill Transit Corrective Action: Access Services is meeting this requirement in practice and has agreed to revise the written no-show policy including templates for no-show notification, suspension and appeal letters relating to no-shows, late cancellations and suspensions.

Procurement

Triennial Review Finding: No verification that excluded parties are not participating

Foothill Transit awarded a contract for construction of the City of Industry Park & Ride lot. The procurement files do not contain documentation that Foothill Transit searched the System of Award Management (SAM) prior to award of a contract to determine that none of the bidders were excluded from participating in covered transactions.



Foothill Transit Corrective Action: Foothill Transit provided the FTA with proof that a checklist has been implemented and that SAM was used for the next applicable procurement.

Triennial Review Finding: Responsibility determination deficiencies

In the review of the procurement files for nine electric buses, Foothill Transit was unable to provide documentation that a responsibility determination was made as part of the selection process.

Foothill Transit Corrective Action: Foothill Transit provided the FTA with documentation that the proof of responsibility determination was completed properly on the next procurement.

Disadvantaged Business Enterprise

Triennial Review Finding: Grantee not ensuring prompt payment

Foothill Transit's DBE program plan and contracts include a 30-day prompt payment and return of retainage policy. The DBE program also states that Foothill Transit will conduct interim audits of contract payments. The contracts reviewed during the onsite visit included the required clause; however, Foothill Transit was unable to provide documentation of monitoring and enforcement mechanisms to ensure contractor compliance with prompt payment and prompt return of retainage requirements.

Foothill Transit Corrective Action: Foothill Transit provided the FTA with documentation of efforts to ensure compliance with prompt payment and return of retainage requirements.

Triennial Review Finding: DBE uniform reports not submitted semi-annually

Grantees are required to report DBE awards and commitments to FTA on June 1st and December 1st of every fiscal year. Foothill Transit had not filed the Uniform DBE reports for June and December 2011, June and December 2012, and June 2013.

Further, on March 22, 2011, FTA's Deputy Administrator issued a letter informing grantees that paper DBE reports would no longer be accepted and must be entered into TEAM-Web's DBE reporting module. Foothill Transit had attached reports for December 2013 and June 2014 into the TEAM-Web.

Foothill Transit Corrective Action: Foothill Transit has submitted all missing reports into the TEAM-Web in the appropriate manner.



Charter Bus

Grantees 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. Grantees are allowed to operate community based charter services excepted under the regulations.

Foothill Transit provided charter services during the review period and attached, via paper clip, paper copies of quarterly charter reports in TEAM-web. Foothill Transit did not complete charter activities in the charter reporting system in TEAM-web.

Foothill Transit Corrective Action: All missing reports have been entered into TEAM-Web and Foothill Transit will provide the FTA with procedures to ensure that all future reports will be correctly entered.

Drug Free Workplace and Alcohol Program

Triennial Review Finding: Foothill Transit is not monitoring its contractor, Complete Coach Works (CCW), for compliance with FTA Drug and Alcohol requirements. Foothill Transit has contractor monitoring procedures and will be using these procedures to document monitoring of Complete Coach Works.

Foothill Transit Corrective Action: Foothill Transit believes this finding was reached in error. During the on-site review, the reviewers mistakenly concluded that CCW's testing program did not address one of the federal requirements relating to "Test Refusal". In fact, the CCW policy does address Test Refusal; therefore, Foothill will request that this deficiency be removed from the final report. To avoid future confusion on this topic, Foothill Transit will implement the monitoring checklist recommended by the reviewer as a method of documenting the monitoring process.

Sincerely,

Michelle Caldwell
Director of Finance

Doran J. Barnes
Executive Director

Attachment



U.S. Department
of Transportation
**Federal Transit
Administration**

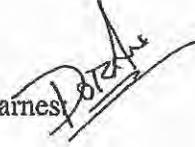
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SEP 10 2014

Mr. Doran Barnes
Executive Director
Foothill Transit
100 S. Vincent Avenue, Suite 200
West Covina, California 91790

Re: FY 2014 Draft Triennial Review Report

Dear Mr. Barnes 

The enclosed draft report documents the Federal Transit Administration's (FTA) Triennial Review of Foothill Transit of West Covina, CA. This review is required by Chapter 53 of Title 49, United States Code, Section 5307. Although not an audit, the Triennial Review is the FTA's assessment of Foothill Transit's compliance with Federal requirements, determined by examining a sample of grant management and program implementation practices. As such, the Triennial Review is not intended as, nor does it constitute a comprehensive and final review of compliance with grant requirements.

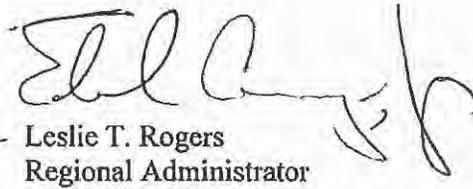
The Triennial Review focused on the Foothill Transit's compliance in 17 areas. No deficiencies were found with the FTA requirements in 12 areas. Deficiencies were found in five areas: Americans with Disabilities Act (ADA), Procurement, Disadvantaged Business Enterprise, Charter Bus, and Drug and Alcohol Program.

As part of this year's Triennial Review of Foothill Transit, FTA incorporated an Enhanced Review Module (ERM) in the ADA area. The purpose of an ERM is to conduct a more comprehensive review of underlying or contributing issues identified during the pre-assessment stage of the Triennial Review. No deficiencies resulted from the ERM conducted during the review of Foothill Transit.

Please review this draft report for accuracy and provide your comments to both the reviewer and your FTA Program Manager **within ten business days from the date of this letter**. A final report, that incorporates your comments to the draft report, will be provided to you within 14 business days of your response.

Thank you for your cooperation and assistance during this Triennial Review. If you need any technical assistance or have any questions, please do not hesitate to contact Ms. Charlene Lee Lorenzo at (213) 202-3952 or by email at charlene.leelorenzo@dot.gov or Mr. Jim Buckley at (410) 404-7443 or by email at jbuckley@milligancpa.com.

Sincerely,


for Leslie T. Rogers
Regional Administrator

Enclosure

cc: Kevin McDonald, Foothill Transit

DRAFT REPORT

FY2014 TRIENNIAL REVIEW

of

**Foothill Transit
West Covina, CA
Recipient ID: 5551**

Performed for

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

Prepared by:

Milligan & Company, LLC

**Scoping Meeting Date: May 15, 2014
Site Visit Dates: August 11-12, 2014
Draft Report Date: September 11, 2014**

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I. Executive Summary

This report documents the Federal Transit Administration’s (FTA) Triennial Review of Foothill Transit. The review was performed by Milligan & Company, LLC. During the site visit, administrative and statutory requirements were discussed and documents were reviewed. Foothill Transit’s facilities were toured to provide an overview of activities related to FTA-funded projects.

The Triennial Review focused on the Foothill Transit’s compliance in 17 areas. Deficiencies were found in the areas listed below.

Review Area	Deficiencies	
	Code	Description
Americans with Disabilities Act (ADA)	73	ADA complementary paratransit service deficiencies
	307	Failure to provide origin-to-destination service
	316	Insufficient no-show policy
Procurement	183	No verification that excluded parties are not participating
	344	Responsibility determination deficiencies
Disadvantaged Business Enterprise (DBE)	268	Grantee not ensuring prompt payment
	327	DBE uniform reports not submitted semi-annually
Charter	53	Charter reporting issues
Drug and Alcohol Program	157	Drug and Alcohol contractors not properly monitored for D&A programs

As part of this year’s Triennial Review of Foothill Transit, FTA incorporated an Enhanced Review Module (ERM) in the ADA area. The purpose of an ERM is to conduct a more comprehensive review of underlying or contributing issues identified during the pre-assessment stage of the Triennial Review. No deficiencies resulted from the ERM conducted during the review of Foothill Transit.

II. Review Background and Process

1. Background

The United States Code, Chapter 53 of Title 49, requires the FTA of the United States Department of Transportation (USDOT) to perform reviews and evaluations of Urbanized Area Formula Grant activities at least every three years. This requirement is contained in 49 U.S.C. 5307(f)(2). This review was performed in accordance with FTA procedures (published in FTA Order 9010.1B, April 5, 1993). 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.

The Triennial Review includes a review of the grantee's compliance in 17 areas. The basic requirements for each of these areas are summarized in Section IV.

This report presents the findings from the Triennial Review of Foothill Transit. 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 grants. The specific documents reviewed are referenced in this report and are available at FTA's Regional Office or at the grantee'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 grantee's location. The review scoping meeting was conducted with the Region IX Office on May 15, 2014. Necessary files retained by the regional office were sent to the reviewer electronically. A review package was sent to Foothill Transit advising it of the site visit and indicating information that would be needed and issues that would be discussed. The site visit to Foothill Transit occurred on August 11-12, 2014.

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. A tour of Foothill Transit's facilities was conducted to provide an overview of activities related to FTA-funded projects. A sample of maintenance records for FTA-funded vehicles and equipment was also examined during the site visit. Upon completion of the review, a summary of preliminary findings was provided to Foothill Transit at an exit conference. The individuals participating in the review are listed in Section VI of this report.

3. Metrics

The metrics used to evaluate whether a grantee 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 grantee'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 grantee does not conduct activities for which the requirements of the respective area would be applicable.

III. Grantee Description

Organization

Foothill Transit provides transit service in the San Gabriel and Pomona Valleys of Los Angeles County, serving 22 cities and some unincorporated areas of the county. Foothill Transit's governing organization consists of one elected official from each of the 22 cities (general membership) and three members appointed by Los Angeles County. The general membership meets periodically. An Executive Board that meets monthly consists of four members elected by the general membership and one appointed by Los Angeles County.

Foothill recently transferred forty-six management employees from its contractor, Veolia, to become Foothill employees. Foothill has two contracts for fixed route service. Both are currently with First Transit. Complementary paratransit service is provided throughout Los Angeles County by Access Services, Inc.

Services

Foothill Transit operates 36 local and express fixed routes and carries 14 million customers each year. The express service includes Lines 481 and 690, and the Silver Streak, a bus rapid transit (BRT) system. Foothill Transit serves an area of 327 square miles with a population of 1.43 million persons. Service is provided 24 hours a day, seven days a week. The complementary paratransit service operates during the same days and hours of service as the fixed routes.

The basic adult fare for bus service is \$1.25. A reduced fare of \$0.50 for local service is offered to senior citizens, persons with disabilities, and persons with a Medicare card during all hours. The Silver Streak has a fare of \$2.45 with a discounted fare of \$1.15. The fare for Lines 481 and 690 is \$2.75 and for other peak period commuter bus service, the fare is \$4.90. Foothill Transit has pass programs that can reduce the costs of service.

Foothill Transit operates a fleet of 330 buses for fixed-route service. Its bus fleet consists of 315 compressed natural gas (CNG)-powered buses and 15 electric buses. The current peak requirement is for 276 vehicles. Foothill Transit operates from two operations and maintenance facilities. Both facilities are managed by First Transit with one located in Pomona and another located in Arcadia. The central administrative headquarters is located at 100 South Vincent Avenue in West Covina.

Below is a list of Foothill Transit's active grants at the time of the review.

Grant Number	Grant Amount	Year Executed	Description
CA-04-0093	\$13,543,500	2006	Park and Ride
CA-90-Z070	\$31,361,184	2012	Buses and preventative maintenance
CA-95-X138	\$3,200,000	2012	Congestion Mitigation Air Quality congestion management

Completed Projects

Since the last Triennial Review, Foothill Transit has completed the construction of the Industry Park & Ride structure, which opened for operation on October 7, 2013. Foothill also completed the procurement of two operations and maintenance contracts in 2012 and 64 new CNG coaches, along with 12 new all-electric coaches in early 2014.

Projects Underway

Currently, Foothill Transit is engaged in the procurement of an operations and maintenance contract for transit service at Foothill Transit's Arcadia facility. In addition, design activity related to the construction of a Park & Ride structure in the City of Azusa is ongoing.

Future Projects

Over the next three to five years, Foothill Transit will undertake procurement action for the replacement of the agency's Computer Aided Dispatch/Automated Vehicle Location (CAD/AVL) system software, along with thirty new CNG replacement coaches.

IV. Results of the Review

1. Financial Management and Financial Capacity

Basic Requirement: The grantee must demonstrate the ability to match and manage FTA grant funds, cover cost increases and operating deficits, cover maintenance and operational costs for FTA funded facilities and equipment, as well as conduct and respond to applicable audits.

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

2. Technical Capacity

Basic Requirement: The grantee must be able to implement FTA funded projects in accordance with the grant application, Master Agreement, and all applicable laws and regulations, using sound management practices.

Finding: During this Triennial Review of Foothill Transit, no deficiencies were found with the FTA requirements for Technical Capacity.

3. Maintenance

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

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

4. Americans with Disabilities Act

Basic Requirement: Titles II and III of the Americans with Disabilities Act of 1990 (ADA) 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 Foothill Transit, deficiencies were found with the USDOT requirements for ADA.

ADA complementary paratransit service deficiencies (73)

Foothill Transit relies on Access Services to provide ADA complementary paratransit services for its fixed-route operations. Foothill Transit's one-way base fare is \$1.25 per trip, whereas effective July 1, 2014, Access Services' lowest fare for an ADA complementary paratransit trip in the Foothill Transit service area is \$2.75 per trip. This is more than twice the Foothill Transit fixed-route fare.

Failure to provide origin-to-destination service (307)

The service provided by Access Services is described as curb-to-curb in the public information that is provided to passengers. No provisions are made for assistance beyond the curb for passengers whose disabilities may require such assistance in order to reach their destination or leave their point of origin. Under 49 CFR §37.129(a), complementary paratransit service for ADA paratransit eligible persons must provide origin-to-destination service. Where the basic mode of paratransit service is curb-to-curb, service may need to be provided to some individuals to ensure that they are actually able to travel from their points of origin or destination.

Insufficient no-show policy (316)

Access Services' written no-show policy does not take into account frequency of travel prior to suspension. Further, the policy, which calls for suspending passengers for 10 days after the first occurrence, 30 days for a second occurrence, 60 days for a third occurrence and 90 days for fourth occurrence of no-shows, does not meet the reasonableness requirement of 49 CFR 37.125(h). Additionally, Access Services treats subscription trips canceled after 10:00 p.m. the night before as no-shows; FTA permits cancellations to be regarded as no-shows only if they are made within one to two hours of the pickup time provided to the passenger.

Corrective Actions and Schedule:

- For the deficiency, *ADA complementary paratransit deficiencies (73)*, perform the following:
 - By March 3, 2015, submit documentation to the FTA Region IX Civil Rights Officer that demonstrates Access Services is charging no more than twice the fixed-route fare for comparable trips.
- For the deficiency, *failure to provide origin-to-destination service (307)*, perform the following:
 - By March 3, 2015, submit documentation to the FTA Region IX Civil Rights Officer that demonstrates Access Services is providing origin to destination service for ADA complementary paratransit services as required.
- For the deficiency, *insufficient no-show policy (316)* perform the following:
 - By March 3, 2015, submit to the FTA Region IX Civil Rights Officer revised Access Services policies and public information materials for no-shows and suspensions, including templates for no-show notification, suspension and appeal letters relating to no-shows, late cancellations, and suspensions.

5. Title VI

Basic Requirement: The grantee 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 grantee must ensure that federally supported transit services and related benefits are distributed in an equitable manner.

Note: The 2014 Triennial Review covers a three-year period in which the FTA issued a revised circular for Title VI, which provided more information on how to comply and changed requirements for some grantees with populations over 200,000 persons. As of October 1, 2012, grantees must comply with the requirements of FTA C 4702.1B. The Triennial Review will look at compliance with the requirement of FTA C 4702.1A for the period prior to October 1, 2012, and compliance with the revised circular for activities after this date.

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

6. Procurement

Basic Requirement: Grantees use their own procurement procedures that reflect applicable state and local laws and regulations, provided that the process ensures competitive procurement and the procedures conform to applicable federal law, including 49 CFR Part 18 (specifically Section 18.36) and FTA Circular 4220.1F, “Third Party Contracting Guidance.”

Finding: During this Triennial Review of Foothill Transit, deficiencies were found with the FTA requirements for Procurement.

No verification that excluded parties are not participating (183)

Foothill Transit awarded a contract for construction of the City of Industry Park & Ride lot. The procurement files do not contain documentation that the City searched the System of Award Management (SAM), prior to award of a contract, to determine that none of the bidders were excluded from participating in covered transactions.

Responsibility determination deficiencies (344)

In the review of the procurement files for nine electric buses, Foothill Transit was unable to provide documentation that responsibility determinations were made of the bidders as part of the selection process.

Corrective Actions and Schedule:

- For the deficiency, *no verification that excluded parties are not participating (183)*, perform the following:
 - By January 14, 2015, submit to the FTA Region IX Los Angeles Metropolitan Office documentation of an implemented process to search SAM before entering into applicable transactions.
- For the deficiency, *responsibility determination deficiencies (344)*, perform the following:
 - By January 14, 2015, submit to the FTA Region IX Los Angeles Metropolitan Office an implemented process to make adequate responsibility determinations prior to award of a contract.
 - By January 14, 2015, submit to the FTA Region IX Los Angeles Metropolitan Office documentation that the required responsibility determination process was implemented for the next procurement.

7. Disadvantaged Business Enterprise

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

Finding: During this Triennial Review of Foothill Transit, deficiencies were found with the USDOT requirements for DBE.

Grantee not ensuring prompt payment (268)

Foothill Transit's DBE program plan and contracts include a 30-day prompt payment and return of retainage policy. The DBE program also states that Foothill Transit will conduct interim audits of contract payments. The contracts reviewed during the onsite visit included the required clause; however, Foothill Transit was unable to provide documentation of monitoring and enforcement mechanisms to ensure contractor compliance with prompt payment and prompt return of retainage requirements.

DBE uniform reports not submitted semi-annually (327)

Grantees are required to report DBE awards and commitments to FTA on June 1st and December 1st of every fiscal year. Foothill Transit had not filed the Uniform DBE Reports for June and December 2011, June and December 2012, and June 2013.

Further, on March 22, 2011, FTA's Deputy Administrator issued a letter informing grantees that paper DBE reports would no longer be accepted and must be entered in TEAM-Web's DBE reporting module. Foothill Transit had the following paper DBE reports attached in TEAM-Web: December 2013 and June 2014.

Corrective Actions and Schedule:

- For the deficiency, *grantee not ensuring prompt payment (268)* perform the following:
 - By January 14, 2015, submit to the FTA Region IX Civil Rights Officer documentation of efforts to ensure compliance with prompt payment and return of retainage requirements.
- For the deficiency, *DBE uniform reports not submitted semi-annually (327)*, perform the following:
 - By January 14, 2015, submit to the FTA Region IX Civil Rights Officer procedures to ensure that future semi-annual Uniform Reports of DBE Awards or Commitments and Payments are submitted on time.
 - By January 14, 2015, submit evidence to the FTA Region IX Civil Rights Officer that the December 2013, June 2014 and all the missing 2011 through 2013 Uniform Reports of DBE Awards or Commitments and Payments were submitted in the TEAM-Web reporting module.

8. Legal

Basic Requirement: The grantee must be eligible and authorized under state and local law to request, receive, and dispense FTA funds and to execute and administer FTA funded projects. The authority to take actions and responsibility on behalf of the grantee must be properly delegated and executed. Grantees must comply with Restrictions on Lobbying requirements.

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

9. Satisfactory Continuing Control

Basic Requirement: The grantee 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 Foothill Transit, no deficiencies were found with the FTA requirements for Satisfactory Continuing Control.

10. Planning/Program of Projects

Basic Requirement: The grantee must participate in the transportation planning process in accordance with FTA requirements, MAP-21, and the metropolitan and statewide planning regulations. Grantees must participate in a coordinated public transit-human services transportation planning process that identifies the transportation needs of individuals with disabilities, older adults, and people with low incomes; provides strategies for meeting those local needs; and prioritizes transportation services for funding and implementation. Each recipient of a Section 5307 grant shall develop, publish, afford an opportunity for a public hearing on, and submit for approval, a POP.

Finding: During this Triennial Review of Foothill Transit, no deficiencies were found with the FTA requirements for Planning/POP.

11. Public Comment on Fare Increases and Major Service Reductions

Basic Requirement: Section 5307 grantees 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.

Finding: During this Triennial Review of Foothill Transit, no deficiencies were found with the FTA requirements for Public Comment on Fare Increases and Major Service Reductions.

12. Half Fare

Basic Requirement: For service supported with Section 5307 assistance, fares charged elderly persons, 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: During this Triennial Review of Foothill Transit, no deficiencies were found with the FTA requirements for Half Fare.

13. Charter Bus

Basic Requirement: Grantees 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. Grantees are allowed to operate community based charter services excepted under the regulations.

Finding: During this Triennial Review of Foothill Transit, a deficiency was found with the FTA requirements for Charter Bus.

Foothill Transit provided charter services during the review period and attached, via paper clip, paper copies of quarterly charter reports in TEAM-web. Foothill Transit did not complete charter activities in the charter reporting system in TEAM-web.

Corrective Actions and Schedule:

- For the deficiency, *charter reporting issues (53)*, perform the following:
 - By January 14, 2015, submit to the FTA Region IX Los Angeles Metropolitan Office procedures to ensure that future reports are correctly entered.
 - By January 14, 2015, submit evidence to the FTA Region IX Los Angeles Metropolitan Office that Foothill Transit has submitted all missing charter reports in charter reporting module in TEAM-Web.

14. School Bus

Basic Requirement: Grantees are prohibited from providing exclusive school bus service 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. School tripper service that operates and looks like all other regular service is allowed.

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

15. Safety and Security

Basic Requirement: As recipients of Section 5307 funds, grantees 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.

Finding: During this Triennial Review of Foothill Transit, no deficiencies were found with the FTA requirements for Safety and Security.

16. Drug Free Workplace and Drug and Alcohol Program

Basic Requirement: All grantees are required to maintain a drug-free workplace for all employees and to have an ongoing drug-free awareness program. Grantees receiving Section 5307, 5309 or 5311 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 Foothill Transit, a deficiency was found with the FTA requirements for Drug-Free Workplace and Drug and Alcohol Program.

Foothill Transit is not monitoring its contractor, Complete Coach Works, for compliance with FTA Drug and Alcohol requirements. Foothill Transit has contractor monitoring procedures and will be using these procedures to document monitoring of Complete Coach Works.

Corrective Actions and Schedule:

- For the deficiency, *Drug and Alcohol contractors not properly monitored for D&A programs (157)*, perform the following:
 - By January 14, 2015, submit to Region IX Los Angeles Metropolitan Office a drug and alcohol monitoring program for its contractor.
 - By January 14, 2015, submit documentation to the FTA Region IX Los Angeles Metropolitan Office that Foothill Transit has implemented the monitoring program.

17. Equal Employment Opportunities

Basic Requirement: The grantee 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: EEOC's regulation only identifies/recognizes religion and not creed as one of the protected groups.)

Finding: During this Triennial Review of Foothill Transit, no deficiencies were found with the FTA requirements for Equal Employment Opportunity (EEO).

V. Summary of Findings

Review Area	Finding	Deficiency	Corrective Action	Response Date	Date Closed
1. Financial Management and Financial Capacity	ND				
2. Technical Capacity	ND				
3. Maintenance	ND				
4. ADA	D	73 – ADA complementary paratransit service deficiencies	Submit documentation to the FTA Region IX Civil Rights Officer that demonstrates Access Services is charging no more than twice the fixed-route fare for comparable trips.	March 3, 2015	
		307 – Failure to provide origin-to-destination service	Submit documentation to the FTA Region IX Civil Rights Officer that demonstrates Access Services is providing origin to destination service for ADA complementary paratransit services as required.	March 3, 2015	
		316 – Insufficient no-show policy	Submit to the FTA Region IX Civil Rights Officer revised Access Services policies and public information materials for no-shows and suspensions, including templates for no-show notification, suspension and appeal letters relating to no-shows, late cancellations, and suspensions.	March 3, 2015	
5. Title VI	ND				
6. Procurement	D	183: No verification that excluded parties are not participating	Submit to the FTA Region IX Los Angeles Metropolitan Office documentation of an implemented process to search SAM before entering into applicable transactions	January 14, 2015	
		344: Responsibility determination deficiencies	Submit to the FTA Region IX Los Angeles Metropolitan Office an implemented process to make adequate responsibility determinations prior to award of a contract.	January 14, 2015	
			For the next procurement, submit to the FTA Region IX Los Angeles Metropolitan Office documentation that the required responsibility determination process was implemented.	January 14, 2015	
7. DBE	D	268: Grantee not ensuring prompt payment	Submit to the FTA Region IX Civil Rights Officer documentation of efforts to ensure compliance with prompt payment and return of retainage requirements.	January 14, 2015	

Review Area	Finding	Deficiency	Corrective Action	Response Date	Date Closed
		327: DBE uniform reports not submitted semi-annually	Submit to the FTA Region IX Civil Rights Officer procedures to ensure that future semi-annual Uniform Reports of DBE Awards or Commitments and Payments are submitted on time.	January 14, 2015	
			Submit evidence to the FTA Region IX Civil Rights Officer that the December 2013, June 2014 and all the missing 2011 through 2013 Uniform Reports of DBE Awards or Commitments and Payments were submitted in the TEAM-Web reporting module.	January 14, 2015	
8. Legal	ND				
9. Satisfactory Continuing Control	ND				
10. Planning/ POP	ND				
11. Public Comment on Fare Increase and Major Service Reductions	ND				
12. Half Fare	ND				
13. Charter Bus	D	53: Charter reporting issues	Submit to the FTA Region IX Los Angeles Metropolitan Office procedures to ensure that future reports are correctly entered.	January 14, 2015	
			Submit evidence to the FTA Region IX Los Angeles Metropolitan Office that Foothill Transit has submitted all missing charter reports in the charter reporting module in TEAM-Web.	January 14, 2015	
14. School Bus	ND				
15. Safety and Security	ND				
16. Drug-Free Workplace/ Drug and Alcohol Program	D	157: Drug and Alcohol Contractors not properly monitored for D&A programs	Submit to the FTA Region IX Los Angeles Metropolitan Office a drug and alcohol monitoring program for its contractor.	January 14, 2015	
			Submit documentation to the FTA Region IX Los Angeles Metropolitan Office that Foothill Transit has implemented the monitoring program.	January 14, 2015	
17. EEO	ND				

VI. Attendees

Name	Title/Organization	Phone Number	E-mail Address
<i>Foothill Transit</i>			
Kevin McDonald	Deputy Executive Director	626-931-7201	kmcdonald@foothilltransit.org
Doran Barnes	Executive Director	626-931-7200	dbarnes@foothilltransit.org
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Tony Anderson	Outside Counsel, Thompson Coburn	202-585-6928	aanderson@thompsoncoburn.com
Ed Gill	Outside Counsel, Thompson Coburn	202-585-6927	egill@thompsoncoburn.com
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Katie Gagnon	Special Projects Manager	626-931-7250	kgagnon@foothilltransit.org
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Austin Lee	Foothill transit, Planning Manager	626-931-7224	alee@foothill.transit.org
Sharlane Bailey	Director of Facilities	626-931-7253	sbailey@foothilltransit.org
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<i>FTA Region IX – LA Metropolitan Office</i>			
Ray Tellis	Team leader	213-202-3956	Ray.tellis@dot.gov
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<i>Reviewers</i>			
Jim Buckley	Milligan & Company, LLC	410-404-7443	jbuckley@milligancpa.com
Ben Sumpter	Milligan & Company, LLC	215-496-9100	bsumpter@milligancpa.com
Cynthia Lister	Milligan & Company, LLC	215-496-9100	clister@milligancpa.com

VII. Appendices

No appendices included in this report.